

CT, PROTECTIVE ORD, TERMINATED

U.S. District Court
District of Oregon (Medford)
CIVIL DOCKET FOR CASE #: 1:08-cv-03095-PA

Church of the Holy Light of the Queen et al v. Holder, et al
Assigned to: Judge Owen M. Panner
Cause: 42:2000bb Religious Freedom Restoration Act

Date Filed: 09/05/2008
Date Terminated: 03/19/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
09/05/2008	<u>1</u>	Complaint under the Religious Freedom Restoration Act. Filing Fee in amount of \$350 collected. Receipt No. 1389 issued. No Jury Trial Requested. Filed by Miriam Ramsey, Alexandra Bliss Yeager, Scott Ferguson, Church of the Holy Light of the Queen, Jonathan Goldman, Jacquelyn Prestidge and Mary Row, MD against Michael B Mukasey, Karin J. Immergut and Henry M. Paulson. (wk) (Entered: 09/05/2008)
09/05/2008	<u>2</u>	Motion for Temporary Restraining Order, Motion to File Excess Pages. Filed by all plaintiffs. (wk) (Entered: 09/05/2008)
09/05/2008	<u>3</u>	Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction and Motion to File Excess Pages <u>2</u> . Filed by all plaintiffs. (wk) (Entered: 09/05/2008)
09/05/2008	<u>4</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable Owen M. Panner. Discovery is to be completed by 1/5/2009. Joint Alternate Dispute Resolution Report is due by 2/2/2009. Pretrial Order is due by 2/2/2009. Ordered by Judge Owen M. Panner. (wk) (Entered: 09/05/2008)
09/05/2008	5	Scheduling Order by Owen M. Panner regarding Motion for Temporary Restraining Order, Motion to File Excess Pages <u>2</u> . Oral Argument is set for 9/10/2008 at 01:00PM in Medford before Judge Owen M. Panner. The parties may file documents as they are prepared, or may present them to the court at the time of hearing. (wk) (Entered: 09/05/2008)
09/09/2008	<u>6</u>	Notice of Appearance of Eric Joseph Beane appearing on behalf of all defendants. Filed by on behalf of all defendants. (Beane, Eric) (Entered: 09/09/2008)
09/09/2008	<u>7</u>	Memorandum in Opposition to Motion for Temporary Restraining Order Motion to File Excess Pages <u>2</u> . Filed by all defendants. (Straus, Julie) (Entered: 09/09/2008)
09/09/2008	<u>8</u>	Supplemental Declaration of Jacquelyn Prestidge . Filed by all plaintiffs. (Haber, Roy) (Entered: 09/10/2008)
09/10/2008	<u>9</u>	Supplement <i>SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND FOR A MOTION FOR PRELIMINARY INJUNCTION: PLAINTIFFS ARE NOT REQUIRED TO EXHAUST ADMINISTRATIVE REMEDIES</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 09/10/2008)
09/11/2008	10	RECORD OF ORDER: Record of hearing: plaintiffs' motion <u>2</u> is denied as to the application for temporary restraining order and motion for a preliminary injunction and granted as to motion to file overlong brief. Settling court trial to commence November 12, 2008, at 8:30 a.m. in Medford, with a pretrial conference in Medford November 6, 2008, at 1:30 p.m., with counsel appearing

		in person. Trial management order to follow. Roy Haber, present as counsel for plaintiffs; Julie Straus and Eric Beane, present as counsel for defendants. Court Reporter: Cynthia Thomas–Klosterman. Ordered by Judge Owen M. Panner. (dmd) (Entered: 09/11/2008)
09/11/2008	<u>11</u>	Trial Management Order. A court trial will commence on November 12, 2008, at 8:30 a.m., in Medford. The pretrial conference will be in Medford on November 6, 2008, at 1:30 p.m., with counsel to appear in person. Please access document by number hyperlink for complete review and details of order for deadlines and dates. Signed on 9/11/2008 by Judge Owen M. Panner. (dkj) (Entered: 09/11/2008)
09/16/2008	<u>12</u>	Notice of Case Reassignment: This case has been reassigned from Judge Mark D. Clarke to Judge Owen M. Panner. (eo) (Entered: 09/16/2008)
09/16/2008	<u>13</u>	Notice <i>Letter to Judge Panner</i> .Filed by all plaintiffs. (Haber, Roy) (Entered: 09/16/2008)
09/16/2008	<u>14</u>	Notice re Notice <u>13</u> <i>Response Letter to Judge Panner</i> .Filed by all defendants. (Related document(s): Notice <u>13</u> .) (Beane, Eric) (Entered: 09/16/2008)
09/16/2008	<u>15</u>	Notice <i>2nd Letter to Judge Panner</i> .Filed by all plaintiffs. (Haber, Roy) (Entered: 09/16/2008)
09/17/2008	<u>16</u>	Notice <i>Letter to Judge Panner</i> .Filed by all plaintiffs. (Attachments: # <u>1</u> Attachment Letter to Haber from Beane) (Haber, Roy) (Entered: 09/17/2008)
09/19/2008	<u>17</u>	Transcript of Proceedings held on 9/10/2008 before Judge Owen Panner. Court Reporter: Cynthia Thomas–Klosterman. (dkj) (Entered: 09/19/2008)
09/21/2008	<u>18</u>	Notice of Appearance of Brigham J. Bowen appearing on behalf of all defendants.Filed by on behalf of all defendants. (Bowen, Brigham) (Entered: 09/21/2008)
09/22/2008	<u>19</u>	Motion for Summary Judgment. Oral Argument requested. Filed by all plaintiffs. (Attachments: # <u>1</u> Statement of Facts# <u>2</u> Memo in Support# <u>3</u> Attachment Def. UDV Memo in Opp to Prelim. Inj.) (Haber, Roy) (Entered: 09/22/2008)
09/22/2008	<u>20</u>	Motion to Dismiss. Oral Argument requested. Filed by all defendants. (Attachments: # <u>1</u> Memorandum of Law in Support of Defendants' Motion to Dismiss) (Straus, Julie) (Entered: 09/22/2008)
09/23/2008	<u>21</u>	Motion for Leave to Appear Pro Hac Vice <i>Gilbert Carrasco</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 09/23/2008)
09/25/2008	<u>22</u>	RECORD OF TELEPHONE HEARING AND ORDER: Court adheres to previously set deadlines in trial management order <u>11</u> / Denying Plaintiff's Motion for Summary Judgment <u>19</u> . Court will address defendants' motion to dismiss <u>20</u> after trial. Ordered by Judge Owen M. Panner. (dmd) (Entered: 09/25/2008)
09/25/2008	<u>23</u>	RECORD OF ORDER: Defendants to submit their response to plaintiffs' proposed stipulated facts by October 19, 2008. Striking previous deadline for parties' joint stipulation of facts. Ordered by Judge Owen M. Panner. (dmd) (Entered: 09/25/2008)
10/06/2008	<u>24</u>	Notice of Association of Attorney (<i>Don H. Marmaduke for Plaintiffs</i>).Filed by all plaintiffs. (Marmaduke, Don) (Entered: 10/06/2008)
10/14/2008	<u>25</u>	RECORD OF ORDER. Discovery hearing held. Four discovery issues resolved. Plaintiffs to resubmit revised protective order to seal declaration, deposition transcript, and exhibits of Mary Row, except

		as to parties. Parties may stipulate to telephone depositions of expert witnesses, or defendants can cross examine plaintiffs' expert witnesses at trial. All documents in plaintiffs' exhibit 1 to be produced for defendants. Defendants to supply an inventory list of documents contained in boxes of documents sent to plaintiffs. Roy Haber and Don Marmaduke, present as counsel for plaintiffs; Brigham Bowen, present as counsel for defendants. Ordered by Judge Owen M. Panner. (dmd) (Entered: 10/14/2008)
10/15/2008	<u>26</u>	Scheduling Order: The deadline for parties' joint stipulation of facts is set for October 24, 2008. Ordered by Judge Owen M. Panner. (dmd) (Entered: 10/15/2008)
10/16/2008	<u>27</u>	Trial Brief. Filed by all plaintiffs. (Haber, Roy) (Entered: 10/16/2008)
10/16/2008	<u>28</u>	Trial Brief. Filed by all defendants. (Straus, Julie) (Entered: 10/16/2008)
10/17/2008	<u>29</u>	Notice <i>Letter to Julie Straus re: Discovery</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 10/17/2008)
10/18/2008	<u>30</u>	Motion for Protective Order <i>for Mary Row</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 10/18/2008)
10/20/2008	31	Scheduling Order: Setting Scheduling Conference for 10/21/2008 at 12:00 noon by Telephone before Judge Owen M. Panner. The court will initiate the call. Ordered by Judge Owen M. Panner. (dmd) (Entered: 10/20/2008)
10/21/2008	<u>32</u>	Transcript of Proceedings held on 10/14/2008 before Judge Owen Panner. Court Reporter: Melanie J. Savord. (dkj) (Entered: 10/21/2008)
10/21/2008	33	MINUTES of Proceedings: Scheduling Conference held. Striking pretrial, trial and all trial material deadlines. Setting Status Conference for 11/10/2008 at 01:30PM by Telephone before Judge Owen M. Panner. Don Marmaduke, present by phone as counsel for plaintiffs. Brigham Bowen, present by phone as counsel for defendants. Court Reporter: Dennis Grube. Owen M. Panner presiding. (dmd) (Entered: 10/21/2008)
10/21/2008	<u>34</u>	Order Granting Application for Special Admission Pro Hac Vice of Gilbert Paul Carrasco for Church of the Holy Light of the Queen. Application Fee in amount of \$100 collected. Receipt No. 1425 issued. Signed on 9/25/2008 by Judge Owen M. Panner. (dkj) (Entered: 10/21/2008)
10/22/2008	<u>35</u>	Motion for Leave to Appear Pro Hac Vice <i>Jack Silver</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 10/22/2008)
10/29/2008	<u>36</u>	Notice of Appearance of Lily S. Farel appearing on behalf of all defendants. Filed by on behalf of all defendants. (Farel, Lily) (Entered: 10/29/2008)
11/10/2008	37	Scheduling Order: Striking Status Conference scheduled for 11/10/08. Order to follow. Ordered by Judge Owen M. Panner. (dmd) (Entered: 11/10/2008)
11/10/2008	<u>38</u>	ORDER by Owen M. Panner. The status conference set for 1:30 p.m. on November 10, 2008, is canceled. The letter from Mr. Marmaduke, dated November 7, 2008, which he advises has been agreed to by the Government is satisfactory. IT IS THEREFOR ORDERED, that Discovery is to be completed by 11/24/2008. Plaintiffs' witness statements will be due December 1, 2008. Defendants' witness statements will be due December 8, 2008. Pretrial Conference is set for 12/22/2008 at 01:30PM in Telephone before Judge Owen M. Panner. Court Trial is set for 1/20/2009 at

		09:00AM in Medford before Judge Owen M. Panner. The lawyers to be present at 8:00 A.M. Except as modified by this order, pretrial order previously entered on September 11, 2008, is confirmed as is. Ordered by Judge Owen M. Panner. (dkj) (Entered: 11/10/2008)
11/12/2008	<u>39</u>	Plaintiffs' Motion for Protective Order. Filed by all plaintiffs. (dkj) (Entered: 11/12/2008)
11/12/2008	<u>40</u>	Declaration of Ronald d. Rosen. Filed by all plaintiffs. (Related document(s): Motion for Protective Order <u>39</u> .) (dkj) (Entered: 11/12/2008)
11/12/2008	<u>41</u>	Proposed Form of Order Submitted. RE: <u>39</u> Motion for protective order. Filed by all plaintiffs. (dkj) (Entered: 11/12/2008)
11/12/2008	<u>42</u>	Order regarding Scheduling,,, <u>38</u> for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. The pretrial conference set for 12/22/2008 will be held in person in Medford and not by telephone. (dkj) (Entered: 11/12/2008)
11/17/2008	<u>43</u>	ORDER: RE: Motion for a Protective Order <u>39</u> . Based upon the plaintiffs' motion, unopposed by defendants, and pursuant to Local Rule 26.6, the Court hereby Seals the Deposition of Ronald D. Rosen. Please access document by number hyperlink for complete review and details of order. Signed on 11/14/2008 by Judge Owen M. Panner. (dkj) (Entered: 11/17/2008)
11/24/2008	<u>44</u>	Motion for Protective Order. Filed by all defendants. (Attachments: # <u>1</u> Proposed Order) (Farel, Lily) (Entered: 11/24/2008)
11/25/2008	<u>45</u>	Notice <i>Letter to Judge Panner Regarding Schedule</i> . Filed by all defendants. (Beane, Eric) (Entered: 11/25/2008)
11/25/2008	<u>46</u>	Notice <i>Letter to Judge Panner regarding schedule</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 11/25/2008)
11/26/2008	<u>47</u>	Notice <i>Letter to Judge Panner re schedule</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 11/26/2008)
11/26/2008	<u>48</u>	Notice <i>Letter to Judge Panner Regarding Trial Schedule</i> . Filed by all defendants. (Beane, Eric) (Entered: 11/26/2008)
11/26/2008	<u>49</u>	ORDER: Granting Motion for a Protective Order <u>44</u>). Signed on 11/26/2008 by Judge Owen M. Panner. Please access hyperlink to view complete text of order. (wk) (Entered: 11/26/2008)
12/01/2008	<u>50</u>	Amended Witness Statement of <i>Gathel Scott Ferguson</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>51</u>	Amended Witness Statement of <i>Jacquelyn Prestidge</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>52</u>	Amended Witness Statement of <i>Miriam Ramsey</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>53</u>	Amended Witness Statement of <i>Alexandra Bliss Yeager</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>54</u>	Amended Witness Statement of <i>Mary Row</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>55</u>	Amended Witness Statement of <i>Jonathan Goldman</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>56</u>	Amended Expert Statement of <i>Nicholas V. Cozzi</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)

12/01/2008	<u>57</u>	Amended Expert Statement of <i>George Gerding</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>58</u>	Amended Expert Statement of <i>Jimmy Gurule</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>59</u>	Amended Expert Statement of <i>John Halpern</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>60</u>	Amended Expert Statement of <i>John Baptista Das Neves MacRae</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/01/2008	<u>61</u>	Amended Expert Statement of <i>Michael Winkelman</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 12/01/2008)
12/05/2008	<u>62</u>	Notice <i>Letter to Judge Panner</i> . Filed by all defendants. (Beane, Eric) (Entered: 12/05/2008)
12/08/2008	<u>63</u>	Notice <i>Proposed Protective Order</i> . Filed by all defendants. (Bowen, Brigham) (Entered: 12/08/2008)
12/08/2008	<u>64</u>	Notice re Notice <u>48</u> <i>Plaintiffs' Letter to Judge Panner re: Proposed Postponement of Trial Date</i> . Filed by all plaintiffs. (Related document(s): Notice <u>48</u> .) (Marmaduke, Don) (Entered: 12/08/2008)
12/08/2008	65	RECORD OF ORDER: Defendants to respond within 5 days to plaintiffs' letter of December 8, 2008, regarding proposed postponement of trial date and cross-examination of plaintiffs' witnesses. Ordered by Judge Owen M. Panner. (dmd) (Entered: 12/08/2008)
12/08/2008	<u>66</u>	Notice <i>Letter to Judge Panner</i> . Filed by all defendants. (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	67	RECORD OF ORDER: The Court modifies its November 23, 2008, Order <u>43</u> , and orders that the parties are permitted to cite the deposition of Dr. Doe in their witness statements and offer deposition excerpts as exhibits, so long as Dr. Doe's real name is not disclosed. Ordered by Judge Owen M. Panner. (dmd) (Entered: 12/08/2008)
12/08/2008	<u>68</u>	Amended Privacy Act Protective Order. Signed on 12/8/2008 by Judge Owen M. Panner. (dkj) (Entered: 12/08/2008)
12/08/2008	<u>69</u>	Notice <i>Notice of Witness Statement Filings</i> . Filed by all defendants. (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	<u>70</u>	Witness Statement of <i>Dr. Alexander M. Walker</i> . Filed by all defendants. (Attachments: # <u>1</u> Exhibit Curriculum Vitae) (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	<u>71</u>	Witness Statement of <i>Dr. Lorne L. Dawson</i> . Filed by all defendants. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B# <u>3</u> Appendix C# <u>4</u> Appendix D) (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	<u>72</u>	Witness Statement of <i>Dr. George S. Glass</i> . Filed by all defendants. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B# <u>3</u> Appendix C# <u>4</u> Appendix D# <u>5</u> Appendix E) (Farel, Lily) (Entered: 12/08/2008)
12/08/2008	<u>73</u>	Witness Statement of <i>Dr. Donald R. Jasinski</i> . Filed by all defendants. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B) (Farel, Lily) (Entered: 12/08/2008)
12/08/2008	<u>74</u>	Witness Statement of <i>Denise Curry</i> . Filed by all defendants. (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	<u>75</u>	Witness Statement of <i>Dr. Thomas R. Kosten</i> . Filed by all defendants. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B) (Farel, Lily) (Entered: 12/08/2008)

12/08/2008	<u>76</u>	Exhibits <i>Exhibit to Witness Statement of Denise Curry</i> re Witness statement <u>74</u> . Filed by all defendants. (Beane, Eric) (Entered: 12/08/2008)
12/08/2008	<u>77</u>	Witness Statement of <i>Dr. Jerry Frankenheim</i> . Filed by all defendants. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B# <u>3</u> Appendix C# <u>4</u> Appendix D) (Straus, Julie) (Entered: 12/08/2008)
12/08/2008	<u>78</u>	Witness Statement of <i>Srihari R. Tella, Ph.D.</i> . Filed by all defendants. (Bowen, Brigham) (Entered: 12/08/2008)
12/09/2008	<u>79</u>	Notice re Notice <u>62</u> <i>December 9, 2008 Letter to Judge Panner (plaintiffs' formal response to defendants' 12-5-08 letter to Judge Panner)</i> . Filed by all plaintiffs. (Related document(s): Notice <u>62</u> .) (Marmaduke, Don) (Entered: 12/09/2008)
12/10/2008	<u>80</u>	Notice re Notice <u>79</u> <i>Response letter to Judge Panner regarding discovery</i> . Filed by all defendants. (Related document(s): Notice <u>79</u> .) (Bowen, Brigham) (Entered: 12/10/2008)
12/11/2008	<u>81</u>	Order Granting Application for Special Admission Pro Hac Vice of Jack Silver for Church of the Holy Light of the Queen. Application Fee in amount of \$100 collected. Receipt No. 1474 issued. Signed on 12/11/2008 by Judge Owen M. Panner. (wk) (Entered: 12/11/2008)
12/12/2008	<u>82</u>	Notice re Order 65 <i>Letter to Judge Panner Regarding Trial Dates and Witnesses</i> . Filed by all defendants. (Related document(s): Order 65 .) (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Bowen, Brigham) (Entered: 12/12/2008)
12/17/2008	83	Scheduling Order by Judge Owen M. Panner. Pretrial Conference is RESCHEDULED to be held by TELEPHONE on 12/22/2008 at 01:30PM before Judge Owen M. Panner. The court will initiate the call and the parties are directed to advise the clerk if they are to be at an alternate telephone number. It is strongly suggested that the parties participate by conventional telephone service rather than cellular telephone. Ordered by Judge Owen M. Panner. (wk) (Entered: 12/17/2008)
12/18/2008	<u>84</u>	Motion in limine to <i>Exclude Testimony of Halpern, Gurule, MacRae, Gerding, Winkelman, and Cozzi</i> . Filed by all defendants. (Attachments: # <u>1</u> Attachment Memorandum in Support of Motion in Limine, # <u>2</u> Attachment Def. Ex. 1241, # <u>3</u> Attachment Def. Ex. 1236) (Farel, Lily) (Entered: 12/18/2008)
12/19/2008	<u>85</u>	ORDER: Denying Defendant's Motion to Dismiss <u>20</u> . Signed on 12/19/2008 by Judge Owen M. Panner. Please access document by number hyperlink for complete review and details of order. (dkj) (Entered: 12/19/2008)
12/22/2008	<u>86</u>	Notice of <i>Submission of Additional Exhibits</i> . Filed by all defendants. (Bowen, Brigham) (Entered: 12/22/2008)
12/22/2008	87	MINUTES of Proceedings: Record of pretrial conference: Order striking previously set trial date and setting two-day court trial to begin Wednesday, January 21, 2009, at 9:00a.m. in Medford. Plaintiffs to submit proposed stipulations of fact, without legal conclusions or argument, to defendants by December 29, 2008. Defendants to submit response to plaintiffs' proposed stipulations of fact by January 6, 2009. If necessary, court will hold telephone conference on proposed stipulations of fact at 1:00 p.m. on Wednesday, January 7, 2009. Defendants to file an answer to plaintiffs' complaint within five days. Court reserves ruling on defendants' motion in limine (#84). Parties to notify other side of intent to cross-examine witnesses by January 5, 2009. If parties wish to use deposition extracts as substantive evidence, parties must underline extracts to be used, plaintiffs using red ink, defendants using blue ink, to be submitted by January 5, 2009. Plaintiffs to

		submit objections to defendants' exhibit list within seven days. Defendants to submit objections to plaintiffs' exhibit list within seven days of receiving the list. Court sustains plaintiffs' objections to defendants' interrogatories 11 and 12. Court orders defendants to respond to plaintiffs' interrogatories 7 and 15. Court sustains defendants' objections to plaintiffs' interrogatories 8, 14, and 17, and to plaintiffs' request for admission 6. By Monday, January 19, 2009, parties to submit list of exhibits that will be used during cross-examination of each witness. The night before the trial, parties to notify other side of order of witnesses to be called for cross-examination. Don Marmaduke; Gilbert Carrasco and Jack Silver appearing by telephone as counsel for Plaintiffs; Eric Beane; Brigham Bowen; Lily Farel and Julie Straus appearing by telephone as counsel for Defendants.(Court reporter: Debbie Dugan) (wk) (Entered: 12/22/2008)
12/30/2008	<u>88</u>	Answer to Complaint. Filed by Michael B Mukasey, Karin J. Immergut, Henry M. Paulson. (Bowen, Brigham) (Entered: 12/30/2008)
12/31/2008	<u>89</u>	Notice re Motion in Limine, <u>84 December 31, 2008 Letter to Judge Panner</u> . Filed by all plaintiffs. (Related document(s): Motion in Limine, <u>84</u> .) (Marmaduke, Don) (Entered: 12/31/2008)
12/31/2008	<u>90</u>	***SEALED DOCUMENT*** Amended Stipulation of Fact by all plaintiffs. Filed by all plaintiffs. (Marmaduke, Don) Modified on 1/5/2009 (dkj). (Entered: 12/31/2008)
01/02/2009	<u>91</u>	Notice re Notice <u>89 Response Letter to Judge Panner regarding testimony at trial</u> . Filed by all defendants. (Related document(s): Notice <u>89</u> .) (Bowen, Brigham) (Entered: 01/02/2009)
01/03/2009	<u>92</u>	Notice re Notice <u>91 1-3-09 Letter to Judge Panner re: Brazil testimony</u> . Filed by all plaintiffs. (Related document(s): Notice <u>91</u> .) (Marmaduke, Don) (Entered: 01/03/2009)
01/05/2009	93	RECORD OF ORDER: Trial will begin January 21, 2009. The witnesses for the plaintiffs can schedule flights back on Thursday. Ordered by Judge Owen M. Panner. (dmd) (Entered: 01/05/2009)
01/05/2009	94	RECORD OF ORDER: Record of order: striking conference call on stipulations previously set for January 7, 2009, at 1:00 p.m. and resetting conference call on stipulations to Monday, January 12 at 1:30 p.m., if necessary. Plaintiffs' expert witness Dr. Edward John Baptista das Neves MacCrae may testify at trial by telephone from Brazil. Under Federal Rule of Civil Procedure 43(a), the court finds that plaintiffs have shown sufficiently compelling circumstances to justify testimony by telephone because the testimony will be live and under oath; trial is to the court; there is no need for extensive cross-examination; and because of the cost and difficulty of travel from Brazil. See Official Airline Guides, Inc. v. Churchfield Publications, Inc., 756 F. Supp. 1393, 1398-99 n.2 (D. Or. 1990), aff'd, 6 F.3d 1385 (9th Cir. 1993). Ordered by Judge Owen M. Panner. (dmd) (Entered: 01/05/2009)
01/06/2009	95	Order regarding Stipulation <u>90</u> filed by Alexandra Bliss Yeager, Jonathan Goldman, Jacquelyn Prestidge, Church of the Holy Light of the Queen, Scott Ferguson, Mary Row, M.D, Miriam Ramsey for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. Document has been sealed per Plaintiff's request. (dkj) (Entered: 01/06/2009)
01/07/2009	<u>96</u>	Motion in limine to Exclude Testimony of Defendants' Experts as Cumulative. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/07/2009)

		01/07/2009)
01/07/2009	<u>97</u>	Memorandum in Support of <i>Plaintiffs' Motion in Limine to Exclude Testimony of Defendants' Experts as Cumulative</i> . Filed by all plaintiffs. (Related document(s): Motion in Limine <u>96</u> .) (Marmaduke, Don) (Entered: 01/07/2009)
01/07/2009	<u>98</u>	Memorandum in Opposition to Motion in limine to <i>Exclude Testimony of Halpern, Gurule, MacRae, Gerding, Winkelman, and Cozzi</i> <u>84</u> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/07/2009)
01/07/2009	<u>99</u>	Witness Statement of <i>Michael T. Ghiselin, Ph.D.</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/07/2009)
01/07/2009	<u>100</u>	Witness Statement (<i>Rebuttal</i>) of <i>Jonathan M. Goldman</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/07/2009)
01/07/2009	<u>101</u>	Amended Exhibit List. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/07/2009)
01/08/2009	<u>102</u>	Amended Motion in <i>Limine to Exclude Testimony of Defendants' Experts as Cumulative</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/08/2009)
01/08/2009	<u>103</u>	Amended Memorandum in Support of <i>Amended Motion in Limine to Exclude Testimony of Defendants' Experts as Cumulative</i> . Filed by all plaintiffs. (Related document(s): Motion <u>102</u> .) (Marmaduke, Don) (Entered: 01/08/2009)
01/08/2009	<u>104</u>	Amended Witness Statement of <i>Michael T. Ghiselin</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/08/2009)
01/08/2009	<u>105</u>	Amended Exhibit List (<i>REVISED</i>). Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/08/2009)
01/09/2009	106	RECORD OF ORDER: Granting in part plaintiffs' amended motion in limine to exclude testimony as cumulative <u>102</u> . Defendants may select the testimony of two expert witnesses to be used at trial. The other expert witnesses' testimony is excluded as cumulative. The original motion in limine <u>96</u> is denied as moot. Ordered by Judge Owen M. Panner. (dmd) (Entered: 01/09/2009)
01/09/2009	<u>107</u>	Witness Statement (<i>Rebuttal</i>) of <i>Dr. Edward MacRae</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/09/2009)
01/09/2009	<u>108</u>	Witness Statement (<i>Rebuttal</i>) of <i>Nicholas V. Cozzi, Ph.D.</i> Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/09/2009)
01/09/2009	<u>109</u>	Witness Statement (<i>Rebuttal</i>) of <i>Jimmy Gurule</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/09/2009)
01/09/2009	<u>119</u>	ORDER: Denying Motion in Limine <u>84</u> . Please access document by number hyperlink for complete review and details of order. Signed on 1/9/2009 by Judge Owen M. Panner. (dkj) (Entered: 01/13/2009)
01/10/2009	<u>110</u>	Motion in limine to <i>Strike Proposed Testimony of Defendants' Experts</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 01/10/2009)
01/10/2009	<u>111</u>	Memorandum in Support. Filed by all plaintiffs. (Related document(s): Motion in Limine <u>110</u> .) (Haber, Roy) (Entered: 01/10/2009)
01/10/2009	<u>112</u>	Witness Statement (<i>Rebuttal</i>) of <i>John H. Halpern, M.D.</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 01/10/2009)
01/12/2009	<u>113</u>	Reply to <i>Plaintiffs' Opposition to Motion in limine to Exclude Testimony of Halpern, Gurule, MacRae, Gerding, Winkelman, and Cozzi</i> <u>84</u> . Filed by all defendants. (Farel, Lily) (Entered: 01/12/2009)

01/12/2009	<u>114</u>	Joint Stipulation <i>trial stipulations approved by all parties and filed by all defendants.</i> Filed by all defendants. (Bowen, Brigham) (Entered: 01/12/2009)
01/12/2009	115	RECORD OF ORDER: The court having been notified that the parties will be filing stipulations, hereby strikes the telephone conference scheduled for 1/12/09, at 1:30 p.m. Ordered by Judge Owen M. Panner. (dmd) (Entered: 01/12/2009)
01/12/2009	<u>116</u>	Exhibits <i>NAC Application, Exhibit to Halpern's Rebuttal Statement, Plaintiff Exh. 40.</i> Filed by all plaintiffs. (Haber, Roy) (Entered: 01/12/2009)
01/12/2009	<u>117</u>	Exhibits <i>RIMA Figure, Exhibit to Halpern's Rebuttal Statement, Plaintiff Exh. 42.</i> Filed by all plaintiffs. (Haber, Roy) (Entered: 01/12/2009)
01/13/2009	<u>118</u>	Notice of Correction to Defendants' Trial Brief. Filed by all defendants. (Attachments: # <u>1</u> Exhibit A (part 1), # <u>2</u> Exhibit A (Part 2), # <u>3</u> Exhibit B, # <u>4</u> Exhibit C) (Bowen, Brigham) (Entered: 01/13/2009)
01/13/2009	<u>120</u>	Motion to Strike <i>Rebuttal Witness Statements: Witness statement <u>99</u> , Witness statement <u>107</u> , Witness statement <u>104</u> , Witness statement <u>100</u> , Witness statement <u>109</u> , Witness statement <u>108</u> , Witness statement <u>112</u> , Motion in limine to Exclude Rebuttal Witness Statements.</i> Filed by all defendants. (Attachments: # <u>1</u> Memorandum in Support) (Bowen, Brigham) (Entered: 01/13/2009)
01/14/2009	<u>121</u>	Witness Statement (<i>Properly Sworn Rebuttal</i>) of Dr. Edward MacRae. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/14/2009)
01/14/2009	<u>122</u>	Notice Defendants' Objections to Exhibits Contained in Plaintiffs' Amended Exhibit List. Filed by all defendants. (Attachments: # <u>1</u> Attachment Chart of Defendants' Objections) (Farel, Lily) (Entered: 01/14/2009)
01/14/2009	<u>123</u>	Response in Opposition (<i>Plaintiffs' Opposition to Defendants' Motion to Strike, and In Limine, Plaintiffs' Witness Statement of Ghiselin and Rebuttal Statements of Cozzi, Halpern, MacRae, Gurule and Goldman</i>) to Motion to Strike <i>Rebuttal Witness Statements: Witness statement <u>99</u> , Witness statement <u>107</u> , Witness statement <u>104</u> , Witness statement <u>100</u> , Witness statement <u>109</u> , Witness statement <u>108</u> , Witness statement <u>112</u> Motion to Strike Rebuttal Witness Statements: Witness statement <u>99</u> , Witness statement <u>107</u> , Witness statement <u>104</u> , Witness statement <u>100</u> , Witness statement <u>109</u> , Witness statement <u>108</u> , Witness statement <u>112</u> Motion in limine to Exclude Rebuttal Witness Statements <u>120</u> .</i> Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/14/2009)
01/14/2009	<u>124</u>	Expert Statement (<i>Properly Sworn</i>) <i>Rebuttal Statement of Michael T. Ghiselin, Ph.D.</i> Filed by all plaintiffs. (Haber, Roy) (Entered: 01/14/2009)
01/15/2009	<u>125</u>	Reply to Motion to Strike <i>Rebuttal Witness Statements: Witness statement <u>99</u> , Witness statement <u>107</u> , Witness statement <u>104</u> , Witness statement <u>100</u> , Witness statement <u>109</u> , Witness statement <u>108</u> , Witness statement <u>112</u> Motion to Strike Rebuttal Witness Statements: Witness statement <u>99</u> , Witness statement <u>107</u> , Witness statement <u>104</u> , Witness statement <u>100</u> , Witness statement <u>109</u> , Witness statement <u>108</u> , Witness statement <u>112</u> Motion in limine to Exclude Rebuttal Witness Statements <u>120</u> .</i> Filed by all defendants. (Bowen, Brigham) (Entered: 01/15/2009)
01/15/2009	<u>126</u>	Response to Motion in limine to Strike Proposed Testimony of Defendants' Experts <u>110</u> . Filed by all defendants. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Exhibit Letter from Don

		H. Marmaduke to Judge Panner (Jan. 5, 2009)) (Farel, Lily) (Entered: 01/15/2009)
01/15/2009	<u>127</u>	Motion for Reconsideration of Order on motion in limine,, Order on Motion – Miscellaneous, 106 . Filed by all defendants. (Attachments: # <u>1</u> Attachment Memorandum in Support, # <u>2</u> Exhibit Letter from Don H. Marmaduke to Judge Panner (Jan. 5, 2009)) (Farel, Lily) (Entered: 01/15/2009)
01/15/2009	<u>128</u>	Motion for Reconsideration of Order permitting testimony by telephone of Scheduling,, 94 . Filed by all defendants. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A (Declaration of E. Betancourt)) (Bowen, Brigham) (Entered: 01/15/2009)
01/15/2009	<u>129</u>	Report : <i>Plaintiffs' Index to Underlined Deposition Excerpts</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/15/2009)
01/15/2009	<u>130</u>	Trial Brief (<i>Plaintiffs' Reply to Defendants' Trial Brief</i>). Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/15/2009)
01/16/2009	<u>131</u>	Amended Exhibit List (<i>Second Amended</i>). Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	132	Scheduling Order: Hearing Re: preliminary matters is set for 1/20/2009 at 02:30PM by Telephone before Judge Owen M. Panner. The court will initiate the call. Ordered by Judge Owen M. Panner. (dmd) (Entered: 01/16/2009)
01/16/2009	<u>133</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 28</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>134</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 27</i>] [<i>Mary Row depo excerpt Part 1 of 2</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>135</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 27</i>] [<i>Mary Row depo excerpt Part 2 of 2</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>136</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 29</i>] [<i>Denise Curry depo excerpt part 1 of 5</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>137</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 29</i>] [<i>Denise Curry depo excerpt Part 2 of 5</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>138</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 29</i>] [<i>Denise Curry depo excerpt Part 3 of 5</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>139</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 29</i>] [<i>Denise Curry depo excerpt Part 4 of 5</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>140</u>	Exhibits [<i>Plaintiffs' Trial Exhibit 29</i>] [<i>Denise Curry depo excerpt Part 5 of 5</i>]. Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>141</u>	Supplemental Witness Statement of <i>Denise Curry</i> . Filed by all defendants. (Attachments: # <u>1</u> Attachment Declaration of Special Agent Lakin, # <u>2</u> Attachment, # <u>3</u> Attachment, # <u>4</u> Attachment) (Farel, Lily) (Entered: 01/16/2009)
01/16/2009	<u>142</u>	Notice : <i>January 16, 2009 Letter to Judge Panner</i> . Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)
01/16/2009	<u>143</u>	Amended Exhibit List (<i>Third Amended</i>). Filed by all plaintiffs. (Marmaduke, Don) (Entered: 01/16/2009)

01/17/2009	<u>144</u>	Motion for Summary Judgment. Filed by all plaintiffs. (Attachments: # <u>1</u> Attachment Memo in Support, # <u>2</u> Attachment Concise Statement of Facts in Support) (Haber, Roy) (Entered: 01/17/2009)
01/19/2009	<u>145</u>	Amended Notice of Objections to Plaintiffs' Exhibits. Filed by all defendants. (Attachments: # <u>1</u> Attachment Amended Chart of Objections to Plaintiffs' Exhibits, # <u>2</u> Attachment Plaintiffs' 30(b)(6) notice) (Farel, Lily) (Entered: 01/19/2009)
01/20/2009	146	MINUTES of Proceedings: Final Pretrial Conference. ORDER Denying plaintiffs' Motion <u>110</u> to Strike Proposed Testimony of Defendants' Experts; Denying defendants' Motion <u>120</u> to Strike Rebuttal Witness Statements; Granting defendants' Motion <u>127</u> for Reconsideration of Order 106 on Cumulative Testimony; Denying defendants' Motion <u>128</u> for Reconsideration of Order 94 Allowing Telephone Testimony from Brazil; and Denying plaintiffs' Motion <u>144</u> for Summary Judgment. Court receives plaintiffs' Exhibit Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 29 through 38, 41, 42, and 43. Court sustains objections to plaintiffs' Exhibit Nos. 6, 12, 20, 27, 28, 39, 40, 44, and 45. Ruling reserved on plaintiffs' Exhibit Nos. 1 and 18. Court receives defendants' Exhibit Nos. 1001 through 1255. Don Marmaduke; Jack Silver; Gilbert Paul Carrasco present as counsel for Plaintiffs. Eric Beane; Brigham Bowen; Julie Straus; Lily Farel present as counsel for Defendants. Court Reporter: Terry Thompson. Judge Owen M. Panner presiding. (wk) (Entered: 01/21/2009)
01/21/2009	147	Order regarding Pretrial Conference – Final 146 for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. The record of the final pretrial conference should reflect that all of defendants' expert witnesses will be allowed to testify. (wk) (Entered: 01/21/2009)
01/21/2009	<u>148</u>	Order regarding Order on Motion to Dismiss <u>85</u> for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. Pages 8 and 9 of document <u>85</u> were attached in error and should be disregarded as they are not part of the Order. The corrected order is attached to this entry. (dkj) (Entered: 01/21/2009)
01/21/2009	151	MINUTES of Proceedings: First Day of Court Trial. The court examines each witness as to the veracity of their witness statements as filed. Witnesses Michael James Winkelman; Miriam Ramsey; George Robert Gerding; Alexandra Bliss Yaeger; Jonathan Mark Goldman; Nicholas V. Cozzi and Mary Row are sworn and testify. Court adjourned until 1/22/2009. Don Marmaduke; Gilbert Carrasco and Jack Silver present as counsel for plaintiffs. Eric Beane; Brigham Bowen; Lily Farel and Julie Straus present as counsel for defendants. Court Reporter: Terry Thompson. Judge Owen M. Panner presiding. (wk) (Entered: 01/23/2009)
01/22/2009	152	MINUTES of Proceedings: Court Trial – Day 2 – trial completed. Witnesses John Halpern; Michael T. Ghiselin and John Seligman were sworn and testified; Exhibits 1 and 46 were offered and received; Exhibit 1277 received; closing arguments made; rebuttal argument waived. Court adjourned; ruling will follow. Don Marmaduke; Gilbert Carrasco and Jack Silver present as counsel for plaintiff(s). Eric Beane; Brigham Bopwen; Lily Farel and Julie Straus present as counsel for defendant(s). Court Reporter: Terry Thompson. Judge Owen M. Panner presiding. (wk) (Entered: 01/23/2009)

01/22/2009	153	Order to Retain Custody of Exhibits. Signed on 1/22/2009 by Judge Owen M. Panner. (wk) (Entered: 01/23/2009)
01/22/2009	154	Clerks List of Exhibits & Witnesses. (wk) (Entered: 01/23/2009)
01/23/2009	149	Amended Exhibit List. Filed by all defendants. (Farel, Lily) (Entered: 01/23/2009)
01/23/2009	150	Amended Exhibit List of <i>Cross Examination Exhibits</i> . Filed by all defendants. (Farel, Lily) (Entered: 01/23/2009)
02/17/2009	155	Transcript of Proceedings held on 1/22/2009 before Judge Owen Panner. Court Reporter: Terry Thompson. (dkj) (Entered: 02/17/2009)
03/03/2009	156	Transcript of Proceedings held on 1/21/2009 before Judge Owen Panner. Court Reporter: Terry Thompson. Tape Number: Volume I. (dkj) (Entered: 03/03/2009)
03/03/2009	157	Transcript of Pretrial Conference held on 1/20/2009 before Judge Owen Panner. Court Reporter: Terry Thompson. (dkj) (Entered: 03/03/2009)
03/05/2009	158	Transcript of Proceedings held on 1/22/2009 before Judge Owen Panner. Court Reporter: Terry Thompson. Tape Number: Volume 2. (dkj) (Entered: 03/05/2009)
03/13/2009	159	Order for Administrative Correction of the Record. A Clerical error has been discovered in the case record. In accordance with Fed. R. Civ. P. 60(a), the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly. Order for Administrative Correction of the Record pursuant to Fed.R.Civ.P. 25(d), substituting Eric J. Holder, Jr. in place and stead of Michael Mukasey as Attorney General of the United States, effective on February 3, 2009. (wk) (Entered: 03/13/2009)
03/18/2009	160	Findings of Fact and Conclusions of Law. Signed on 3/18/2009 by Judge Owen M. Panner. (dkj) (Entered: 03/18/2009)
03/19/2009	161	Judgment. Judgment is entered for Plaintiffs. Please access document by number hyperlink for complete review and details of judgment. Signed on 3/19/2009 by Judge Owen M. Panner. (dkj) (Entered: 03/19/2009)
03/24/2009	162	Notice <i>Letter to Judge Panner</i> . Filed by all plaintiffs. (Haber, Roy) (Entered: 03/24/2009)
03/27/2009	163	RECORD OF ORDER: Granting plaintiffs' letter request 162 for extension of time to file Bill of Costs and Motion for Attorney's Fees until May 4, 2009. Ordered by Judge Owen M. Panner. (dmd) (Entered: 03/27/2009)
03/27/2009	164	Amended Judgment. Judgment is entered for Plaintiffs. Please access document by number hyperlink for complete review and details of Amended Order. Signed on 3/27/2009 by Judge Owen M. Panner. (dkj) (Entered: 03/27/2009)
04/02/2009	165	Motion to Amend/Correct <i>Judgment Pursuant to Rule 59(e)</i> . Filed by all defendants. (Attachments: # 1 Memorandum in Support of Defendants' Motion to Amend Judgment Pursuant to Rule 59(e), # 2 Appendix Appendix A, # 3 Appendix Appendix B) (Straus, Julie) (Entered: 04/02/2009)