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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRENT ALLAN WINTERS, et al.

Plaintiffs,

No. 2:09-cv-00522 JAM KJN PS

v.

DELORES JORDAN, et al.,

Defendants.

ORDER SETTING SCHEDULING CONFERENCE

By this order, the undersigned sets a status (pretrial scheduling) conference in this action.<sup>1</sup> The parties are directed to file status reports, or a joint status report if possible, at least 14 days in advance of the status (pretrial scheduling) conference.

With the hope of adding some clarity to these proceedings, the undersigned recounts below which of the plaintiffs<sup>2</sup> claims remain pending against each remaining, appearing defendant. The chart below assumes that the district judge fully adopts any pending findings and

<sup>1</sup> This action proceeds before this court pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

<sup>2</sup> As a result of orders entered in this action, the only plaintiffs that remain in this action are: Brent Allan Winters, Jennifer Winters, Cacey Winters, Susan Winters, and Christy Winters. (See Order, Sept. 24, 2009, Dkt. No. 68; Order, Nov. 12, 2009, at 2 & n.1, Dkt. No. 89; Order, Feb. 1, 2011, Dkt. No. 221; Findings & Recommendations, Apr. 15, 2011, Dkt. No. 281, adopted by Order, July 1, 2011, Dkt. No. 295.)

1 recommendations filed by the undersigned (Dkt. No. 306, 311).<sup>3</sup> If the district judge rejects all or  
 2 part of the undersigned's pending findings and recommendations, the court will amend the chart  
 3 as appropriate.<sup>4</sup>

<b><u>Defendant(s)</u></b>	<b><u>Claim for Relief</u></b>	<b><u>Relevant Plaintiff(s)</u></b>	<b><u>Relevant Order(s) or Findings and Recommendations</u></b>
<b>Valerie Logsdon</b>	1. Civil Battery (Claim 9)	1. Christy Winters	Order, Sept. 14, 2010, Dkt. No. 178
<b>Virginia Armstrong</b>	1. Civil Battery (Claim 9) 2. Breach of Contract (Claim 22)	1. Christy Winters 2. All Plaintiffs	Order, Sept. 14, 2010, Dkt. No. 180
<b>Dewey Harpainter</b>	1. Trespass on land (Claim 12)	1. Cacey Winters; and Jennifer Winters	Order, May 10, 2011, Dkt. No. 287
<b>Adult Protective Services (Nevada County); Kelly Carpenter; and Tamaran Cook</b>	1. Equal Protection Violation (Claim 7)	1. Susan Winters	Order, May 10, 2011, Dkt. No. 288
<b>Micah Arbaugh</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42	1. All Plaintiffs	Findings and Recommendations, Nov. 11, 2011, Dkt. No. 306.

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 21 <sup>3</sup> The findings and recommendations filed on February 2, 2012, recommend that all of  
 22 plaintiffs' claims be dismissed with prejudice as to defendant David Silber. Accordingly, Silber's  
 name does not presently appear in the chart.

23 Moreover, assuming that the district judge adopts the findings and recommendations filed  
 24 on November 11, 2011, in full, it appears that no claims would remain against defendants Richard  
 25 Kimball and Susan McGuire. However, a specific recommendation that those defendants be  
 26 dismissed from the action was not contained in the findings and recommendations. The lack of  
 claims against those defendants is denoted by three asterisks in the chart.

<sup>4</sup> Additionally, to the extent that these charts conflict with an order resolving a defendant's  
 motion to dismiss, the order on the particular motion to dismiss controls.

<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Civil Battery (Claim 9)  3. Trespass on Land (Claim 12)  4. “Excessive Force” (Claim 20)  5. Invasion of Privacy (Claim 25)	2. Susan Winters  3. All Plaintiffs  4. All Plaintiffs  5. All Plaintiffs	
<b>Robert Bringolf</b>	1. “Unlawful Detention” (Claim 1)  2. “False Arrest” (Claim 2)  3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  4. Abuse of Process (Claim 6)  5. “Excessive Force” (Claim 20)  6. Fifth Amendment Violation (Claim 24)  7. Sixth Amendment Violation (Claim 30)	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs  4. All Plaintiffs  5. All Plaintiffs  6. All Plaintiffs  7. All Plaintiffs	Same as above, Dkt. No. 306
<b>Nathan Hutson</b>	1. “Unlawful Detention” (Claim 1)  2. “False Arrest”	1. All Plaintiffs  2. All Plaintiffs	Same as above, Dkt. No. 306

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<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	(Claim 2)  3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  4. Fifth Amendment Violation (Claim 24)  5. Sixth Amendment Violation (Claim 30)	3. All Plaintiffs  4. All Plaintiffs  5. All Plaintiffs	
<b>Jason Jones</b>	1. Abuse of Process (Claim 6)	1. All Plaintiffs	Same as above, Dkt. No. 306
<b>Richard Kimball</b>	* * *		Same as above, Dkt. No. 306
<b>Jesse King</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Trespass on Land (Claim 12)  3. Invasion of Privacy (Claim 25)	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	Same as above, Dkt. No. 306
<b>Theresa Kingsbury</b>	1. "False Arrest" (Claim 2)  2. False Imprisonment (Claim 3)	1. All Plaintiffs  2. All Plaintiffs	Same as above, Dkt. No. 306

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<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  4. “Personal Injury,” i.e., Civil Battery (Claim 5)  5. Civil Battery (Claim 9)  6. “Excessive Force” (Claim 20)  7. Fifth Amendment Violation (Claim 24)  8. Sixth Amendment Violation (Claim 30)	3. All Plaintiffs  4. Cacey Winters  5. Cacey Winters  6. All Plaintiffs  7. All Plaintiffs  8. All Plaintiffs	
<b>Elaine LaCroix</b>	1. Equal Protection Violation (Claim 7)  2. Invasion of Privacy (Claim 25)	1. All Plaintiffs  2. All Plaintiffs	Same as above, Dkt. No. 306
<b>Dominic La Fountain</b>	1. “Unlawful Detention” (Claim 1)  2. “False Arrest” (Claim 2)  3. False Imprisonment (Claim 3)  4. Fourth Amendment Violation (Claim 4), to the extent premised on 42	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs  4. All Plaintiffs	Same as above, Dkt. No. 306

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<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	U.S.C. § 1983, and not a <u>Bivens</u> claim.  5. “Personal Injury,” i.e., Civil Battery (Claim 5)  6. Abuse of Process (Claim 6)  7. “Excessive Force” (Claim 20)  8. Fifth Amendment Violation (Claim 24)  9. Sixth Amendment Violation (Claim 30)	5. Susan Winters  6. All Plaintiffs  7. All Plaintiffs  8. All Plaintiffs  9. All Plaintiffs	
<b>Jeff Martin</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Trespass on Land (Claim 12)  3. Invasion of Privacy (Claim 25)	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	Same as above, Dkt. No. 306
<b>Joe McCormack</b>	1. “False Arrest” (Claim 2)  2. False Imprisonment (Claim 3)  3. Fourth Amendment Violation (Claim 4), to the extent premised on 42	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	Same as above, Dkt. No. 306

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<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	U.S.C. § 1983, and not a <u>Bivens</u> claim.  4. “Personal Injury,” i.e., Civil Battery (Claim 5)  5. Civil Battery (Claim 9)  6. “Excessive Force” (Claim 20)  7. Fifth Amendment Violation (Claim 24)  8. Sixth Amendment Violation (Claim 30)	4. Cacey Winters  5. Cacey Winters  6. All Plaintiffs  7. All Plaintiffs  8. All Plaintiffs	
<b>Susan McGuire</b>	* * *		Same as above, Dkt. No. 306
<b>Alicia Milhous</b>	1. “Unlawful Detention” (Claim 1)  2. “False Arrest” (Claim 2)  3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  4. “Excessive Force” (Claim 20)  5. Fifth Amendment Violation (Claim 24)  6. Sixth Amendment Violation (Claim 30)	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs  4. All Plaintiffs  5. All Plaintiffs  6. All Plaintiffs	Same as above, Dkt. No. 306

<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
<b>Clifford Newell</b>	1. Abuse of Process (Claim 6)	1. All Plaintiffs	Same as above, Dkt. No. 306
<b>Charles O'Rourke</b>	1. Abuse of Process (Claim 6)	1. All Plaintiffs	Same as above, Dkt. No. 306
<b>Keith Royal</b>	1. Claim pursuant to 42 U.S.C. § 1983 (Claim 19)  2. "Respondeat Superior" liability (Claim 32), to the extent it is premised on plaintiffs' common law tort claims	1. All Plaintiffs  2. Plaintiffs whose common law tort claims proceed against relevant defendants	Same as above, Dkt. No. 306
<b>Dennis Salisbury</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Trespass on Land (Claim 12)  3. Invasion of Privacy (Claim 25)	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	Same as above, Dkt. No. 306
<b>Daniel Saunders</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Trespass on Land (Claim 12)  3. Invasion of	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	

<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	Privacy (Claim 25)	Same as above, Dkt. No. 306	
<b>Guy Selleck</b>	1. Abuse of Process (Claim 6)	1. All Plaintiffs	Same as above, Dkt. No. 306
<b>Chris Sharp</b>	1. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.  2. Civil Battery (Claim 9)  3. Civil Assault (Claim 10)  4. Trespass on Land (Claim 12)  5. "Excessive Force" (Claim 20)  6. Invasion of Privacy (Claim 25)	1. All Plaintiffs  2. Susan Winters, Cacey Winters, and Christy Winters  3. Susan Winters, Cacey Winters, and Christy Winters  4. All Plaintiffs  5. All Plaintiffs  6. All Plaintiffs	Same as above, Dkt. No. 306
<b>Matt Steen</b>	1. "Unlawful Detention" (Claim 1)  2. "False Arrest" (Claim 2)  3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim.	1. All Plaintiffs  2. All Plaintiffs  3. All Plaintiffs	Same as above, Dkt. No. 306

<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	4. "Excessive Force" (Claim 20) 5. Fifth Amendment Violation (Claim 24) 6. Sixth Amendment Violation (Claim 30)	4. All Plaintiffs 5. All Plaintiffs 6. All Plaintiffs	
<b>Zsa Zsa Wied</b>	1. "False Arrest" (Claim 2) 2. False Imprisonment (Claim 3) 3. Fourth Amendment Violation (Claim 4), to the extent premised on 42 U.S.C. § 1983, and not a <u>Bivens</u> claim. 4. "Personal Injury," i.e., Civil Battery (Claim 5) 5. Civil Battery (Claim 9) 6. "Excessive Force" (Claim 20) 7. Fifth Amendment Violation (Claim 24) 8. Sixth Amendment Violation (Claim 30)	1. All Plaintiffs 2. All Plaintiffs 3. All Plaintiffs 4. Cacey Winters 5. Cacey Winters 6. All Plaintiffs 7. All Plaintiffs 8. All Plaintiffs	Same as above, Dkt. No. 306
<b>Delores Jordan</b>	1. Equal Protection Violation (Claim 7) 2. Civil Battery (Claim 9)	1. Susan Winters 2. Susan Winters; Cacey Winters;	Findings and Recommendations, Feb. 2, 2012, Dkt. No. 311.

<u>Defendant(s)</u>	<u>Claim for Relief</u>	<u>Relevant Plaintiff(s)</u>	<u>Relevant Order(s) or Findings and Recommendations</u>
	3. Civil Assault (Claim 10)	Christy Winters; and Jennifer Winters 3. Susan Winters; Cacey Winters; Christy Winters; and Jennifer Winters	
	4. Trespass on land (Claim 12)	4. All Plaintiffs	
	5. Invasion of Privacy, only to the extent that it concerns alleged intrusions on May 26, 2008, and June 2, 2008	5. All Plaintiffs	

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Based on the foregoing, IT IS HEREBY ORDERED that:

1. A Status (Pretrial Scheduling) Conference shall be held on March 15, 2012, at 10:00 a.m., in Courtroom No. 25.

2. All parties or their respective counsel shall appear either in person or by telephone. If any party wishes to appear by telephone, he or she shall contact the undersigned's Courtroom Deputy, at (916) 930-4187, at least seven days prior to the scheduling conference to discuss the manner in which appearances by telephone proceed.

3. The parties shall file a status report, or a joint status report if possible, on or before March 1, 2012. The status report or reports shall address the topics identified in paragraph 5 of the court's Scheduling Order (Dkt. No. 3), Local Rule 240(a), and Federal Rule of Civil Procedure 16(c)(2).

4. To the extent that any appearing defendants against whom claims remain

1 have not filed answers to the Third Amended Complaint, they shall do so no later than February  
2 17, 2012. The defendants who are the subject of the pending findings and recommendations  
3 (Dkt. Nos. 306, 311), and defendants Adult Protective Services, Kelly Carpenter, and Tamaran  
4 Cook, shall file answers to the Third Amended Complaint within 14 days of the resolution of  
5 those pending findings and recommendations.<sup>5</sup>

6 IT IS SO ORDERED.

7 DATED: February 3, 2012

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>5</sup> In regards to defendants Adult Protective Services, Kelly Carpenter, and Tamaran Cook,  
26 this order supersedes the Minute Order entered on May 10, 2011 (Dkt. No. 289), insofar as the  
deadline for the filing of those defendants' answer or answers is concerned .