

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge John L. Kane**

Date: September 1, 2009

Deputy Clerk: LaDonne Bush
Reporter: Kara Spitler

Civil Action No. 92-cv-00870-JLK

JESSE MONTEZ, et al., as representatives
of themselves and all others similarly
situated,

Plaintiffs,

Paula D. Greisen
Blain Myhre
Edward Ramey
Jennifer Riddle
Lara Marks

v.

BILL RITTER, et al.,

Defendants.

Elizabeth H. McCann
James Quinn

COURTROOM MINUTES

Status Conference/Oral Argument

9:14 a.m. Court in session.

Court's preliminary comments.

ORDERED: Recommended Award of Attorney Fees and Costs (Doc. 1614) and Recommended Award of Attorney Fees and Costs (Doc. 1641) are denied as moot.

Court's comments regarding the consent degree and review on an abuse of discretion standard. Court states that no certificates of appealability will be issued.

Court states that if a special master decides that a claimant does not fall within the classification of the class to proceed with the claim, that claimant will be advised that the claim is denied without prejudice because he or she is not a class member, and will be directed to proceed through the Prison Litigation Reform Act.

ORDERED: With regard to new filings, if the State determines a claimant does not fall within the class, the State will send notice to class counsel. If class counsel disagrees with the State, class counsel may file an objection with

the special master to the denial of classification. If class counsel agrees with the State: (1) class counsel should notify the claimant and tell the claimant to go through the PLRA; and (2) either provide the claimant with the necessary forms, or have the Clerk's Office send the forms.

Court requests that counsel address the issue of who is a qualified member of the class whose injuries occur after the class filing period.

Court's comments regarding the Eighth Amendment.

9:51 a.m. Argument by Ms. Greisen.

10:01 a.m. Court in recess.

10:33 a.m. Court in session.

Continued argument by Ms. Greisen.

10:54 a.m. Argument by Ms. McCann.

11:12 a.m. Ms. Greisen answers questions asked by the Court.

11:18 a.m. Discussion between the Court and Ms. McCann regarding the damage claim.

11:23 a.m. Court in recess.

1:35 p.m. Court in session.

Court's comments regarding an omnibus ruling.

Statements by Ms. McCann and Ms. Greisen regarding the Order signed by Special Master Borchers on February 17, 2005, as well as matters pertaining to Wellman Gibson.

Argument by Ms. Greisen and Ms. McCann regarding compliance issues.

ORDERED: By October 14, 2009, counsel shall meet, confer and submit a pretrial order for the compliance hearing which includes a list of where there has been and has not been compliance, as well as a list of witnesses.

2:53 p.m. Court in recess.

3:25 p.m. Court in session.

ORDERED: Pretrial conference and compliance hearing are set October 19, 20 and 21, 2009. Compliance hearing also is set November 2, 3, 4, 5, 9, 10, 12, and 13, 2009; December 21 and 22, 2009; and January 6 through 22,

2010 (excluding January 18, 2010). If counsel cannot proceed on November 2, 2009, counsel shall inform this Court by October 2, 2009.

ORDERED: One lawyer representing the plaintiff class may go to the infirmary with a guard and inquire whether prisoners want to meet with class counsel.

Discussion regarding interrogatory responses.

ORDERED: If the matter is not resolved by the parties, class counsel may file a motion with a memorandum regarding interrogatory responses, and defendants' counsel shall respond within ten days.

3:34 p.m. Court in recess.

Time 03:04
Trial concluded.