

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:11-cv-00645-LRH -VPC**

Taormina et al v. Storey County, Nevada
Assigned to: Judge Larry R. Hicks
Referred to: Magistrate Judge Valerie P. Cooke
Case: 3:09-cv-00021-LRH-VPC
Cause: 28:2201 Declaratory Judgement

Date Filed: 09/06/2011
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff**Thomas S Taormina**represented by **Fred Hopengarten**

Six Willarch Road
Lincoln, MA 01773
781-259-0088
Fax: 419-858-2421
Email: hopengarten@post.harvard.edu
ATTORNEY TO BE NOTICED

Brian M McMahan
McMahon Law Offices, Ltd.
3715 Lakeside Drive, Suite A
Reno, NV 89509
775-348-2701
Fax: 775-348-2702
Email: brian@mcmahonlaw.org
ATTORNEY TO BE NOTICED

Plaintiff**Midge A Taormina**represented by **Fred Hopengarten**
(See above for address)
ATTORNEY TO BE NOTICED

Brian M McMahan
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**Storey County, Nevada**represented by **Brent T. Kolvet**
Thorndal Armstrong Delk, et al
6590 South McCarran Blvd
Suite B
Reno, NV 89509
Email: bkolvet@thorndal.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/06/2011	<u>1</u>	COMPLAINT <i>SEEKING DECLARATORY AND INJUNCTIVE RELIEF</i> against Storey County (Filing fee \$ 350 receipt number 0978-2107110), filed by Midge A Taormina, Thomas S Taormina. Certificate of Interested Parties due by 9/16/2011. Proof of service due by 1/4/2012. (Attachments: # <u>1</u> Civil Cover Sheet) (McMahan, Brian) (Entered: 09/06/2011)
09/07/2011		Case assigned to Chief Judge Robert C. Jones and Magistrate Judge Valerie P. Cooke. (WJ) (Entered: 09/07/2011)

09/07/2011	<u>2</u>	NOTICE by Plaintiffs Midge A Taormina, Thomas S Taormina re <u>1</u> Complaint, <i>NOTICE OF EXHIBITS TO THE COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF PART ONE</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B-D, # <u>3</u> Exhibit E-H, # <u>4</u> Exhibit I, # <u>5</u> Exhibit J, # <u>6</u> Exhibit J CONTINUED, # <u>7</u> Exhibit J CONTINUED)(McMahon, Brian) (Entered: 09/07/2011)
09/07/2011	<u>3</u>	NOTICE by Plaintiffs Midge A Taormina, Thomas S Taormina re <u>1</u> Complaint, <u>2</u> Notice (Other), Notice (Other). <i>NOTICE OF EXHIBITS TO THE COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF PART TWO</i> (Attachments: # <u>1</u> Exhibit K, # <u>2</u> Exhibit K CONTINUED, # <u>3</u> Exhibit K CONTINUED, # <u>4</u> Exhibit K CONTINUED, # <u>5</u> Exhibit K CONTINUED, # <u>6</u> Exhibit L-N, # <u>7</u> Exhibit O, # <u>8</u> Exhibit O CONTINUED, # <u>9</u> Exhibit P-Q)(McMahon, Brian) (Entered: 09/07/2011)
09/07/2011	<u>4</u>	NOTICE OF RELATED CASES 3:09-CV-00021-LRH-VPC by Plaintiffs Midge A Taormina, Thomas S Taormina. (McMahon, Brian) (Entered: 09/07/2011)
09/07/2011	<u>5</u>	CERTIFICATE of Interested Parties filed by Midge A Taormina, Thomas S Taormina that identifies all parties that have an interest in the outcome of this case.. (McMahon, Brian) (Entered: 09/07/2011)
09/13/2011	<u>6</u>	PROPOSED SUMMONS to be issued, filed by Plaintiffs Midge A Taormina, Thomas S Taormina. (McMahon, Brian) Modified on 9/14/2011 Issued 9/14/2011 (DRM). (Entered: 09/13/2011)
09/14/2011	<u>7</u>	SUMMONS Issued as to Storey County, Nevada. (DRM) (Entered: 09/14/2011)
09/27/2011	<u>8</u>	SUMMONS Returned Executed by Midge A Taormina, Thomas S Taormina. Storey County, Nevada served on 9/27/2011, answer due 10/18/2011. (McMahon, Brian) (Entered: 09/27/2011)
10/27/2011	<u>9</u>	ANSWER to <u>1</u> Complaint, filed by Storey County, Nevada. Certificate of Interested Parties due by 11/6/2011. Discovery Plan/Scheduling Order due by 12/11/2011.(Kolvet, Brent) (Entered: 10/27/2011)
10/28/2011	<u>10</u>	NOTICE PURSUANT TO LOCAL RULE IB 2-2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website – www.nvd.uscourts.gov . Consent forms should NOT be electronically filed. Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (no image attached) (DRM) (Entered: 10/28/2011)
11/16/2011	<u>11</u>	CERTIFICATE of Interested Parties filed by Storey County, Nevada. There are no known interested parties other than those participating in the case. (Kolvet, Brent) (Entered: 11/16/2011)
11/16/2011	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice. <i>to waive LR IA 10-2, Permitting Counsel to Continue Representation</i> Attorney: Fred Hopengarten. by Plaintiffs Midge A Taormina, Thomas S Taormina. Motion ripe 11/16/2011. (McMahon, Brian) (Entered: 11/16/2011)
12/27/2011	<u>13</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 12/27/2011. By Deputy Clerk: LGM. A Case Management Conference is set for 1/30/2012 at 10:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. The parties shall jointly file a case management report by no later than the close of business on Thursday, January 19, 2012 . See the attached order for specifications. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 12/27/2011)
01/18/2012	<u>14</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Midge A Taormina, Thomas S Taormina <i>Pursuant to FRCP Rule 26(F) and Local Rule 26-1(e)</i> . (McMahon, Brian) (Entered: 01/18/2012)
01/18/2012	<u>15</u>	JOINT CASE MANAGEMENT REPORT in compliance with <u>13</u> NOTICE by Plaintiffs Midge A Taormina, Thomas S Taormina <i>Joint Case Management Report</i> (McMahon, Brian) <i>Modified on 1/19/2012 event correction & link added.</i> (BLG).

		(Entered: 01/18/2012)
01/19/2012	16	NOTICE TO COUNSEL PURSUANT TO LOCAL RULE IA 10-2. Counsel Fred Hopengarten, Esq. to comply with completion and electronic filing of the Designation of Local Counsel and Verified Petition. For your convenience, click on the following link to obtain the form from the Court's website— www.nvd.uscourts.gov/Forms.aspx. Counsel is also required to register for the Court's Case Management and Electronic Case Filing (CM/ECF) system and the electronic service of pleadings. Please visit the Court's website www.nvd.uscourts.gov to register Attorney(s). Verified Petition due by 3/4/2012. (no image attached) (BLG) Modified on 1/19/2012 rescinded and stricken see (#17). (BLG). (Entered: 01/19/2012)
01/19/2012	17	NOTICE of Docket Correction to (# 16) Notice for Designation of Local Counsel & Verified Petition as to Fred Hopengarten Requirement is hereby RESCINDED AND STRICKEN pending decision of Plaintiffs <u>12</u> MOTION for Leave to Appear Pro Hac Vice. <i>to waive LR IA 10-2, Permitting Counsel to Continue Representation as to Fred Hopengarten, Esq. (no image attached)</i> (BLG) Modified on 1/19/2012 corrected typo. (BLG). (Entered: 01/19/2012)
01/30/2012	<u>18</u>	SCHEDULING ORDER re <u>14</u> Proposed Order : Discovery due by 4/23/2012. Motions due by 5/22/2012. Proposed Joint Pretrial Order due by 6/20/2012. Signed by Magistrate Judge Valerie P. Cooke on 1/30/2012. (Copies have been distributed pursuant to the NEF – DRM) (Entered: 01/31/2012)
01/30/2012	<u>19</u>	MINUTES OF PROCEEDINGS – Case Management Conference held on 1/30/2012 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Brian McMahon and (By telephone) Fred Hopengarten</i> ; Def Counsel: <i>Brent Kolvet</i> ; Court Reporter/FTR #: <i>9:59:35 – 10:12:46</i> ; Time of Hearing: <i>9:59 a.m.</i> ; Courtroom: <i>1</i> ; The Court notes it is the District Court who will decide Mr. Hopengarten's motion for leave to appear pro hac vice <u>12</u> . The Court approves the parties' proposed discovery plan and scheduling order <u>14</u> . Calendar Call set for 8/20/2012 08:30 AM in Reno Courtroom 6 before Chief Judge Robert C. Jones. Trial set for 8/28/2012 09:00 AM in Reno Courtroom 6 before Chief Judge Robert C. Jones. A Case Management Conference is set for 3/12/2012 at 11:00 AM in Reno Courtroom 1 before Magistrate Judge Valerie P. Cooke. Counsel shall file a joint or separate case management report by no later than the close of business on Thursday, March 8, 2012 . IT IS SO ORDERED. (Copies have been distributed pursuant to the NEF – LGM) Modified on 2/1/2012 to reflect there is no jury demand in this case. (LGM) (Entered: 02/01/2012)
02/22/2012	<u>20</u>	REPLY to Response to <u>12</u> MOTION for Leave to Appear Pro Hac Vice. <i>to waive LR IA 10-2, Permitting Counsel to Continue Representation</i> Attorney: Fred Hopengarten. ; filed by Plaintiffs Midge A Taormina, Thomas S Taormina. (Attachments: # <u>1</u> Exhibit 1)(McMahon, Brian) (Entered: 02/22/2012)
02/23/2012	<u>21</u>	STRICKEN PER ORDER <u>24</u> NOTICE by Plaintiffs Midge A Taormina, Thomas S Taormina <i>EXPERT DISCLOSURE; FRCP RULE 26</i> (McMahon, Brian) Modified on 3/15/2012 (LGM). (Entered: 02/23/2012)
02/28/2012	<u>22</u>	JOINDER <i>JOINT SUPPLEMENT TO STATUS CONFERENCE</i> filed by Plaintiffs Midge A Taormina, Thomas S Taormina. (McMahon, Brian) (Entered: 02/28/2012)
03/09/2012	<u>23</u>	Joint STATUS REPORT by Plaintiffs Midge A Taormina, Thomas S Taormina. (McMahon, Brian) (Entered: 03/09/2012)
03/12/2012	<u>24</u>	MINUTES OF PROCEEDINGS – Case Management Conference held on 3/12/2012 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>LGM</i> ; Pla Counsel: <i>Brian McMahon and (By telephone) Fred Hopengarten</i> ; Def Counsel: <i>Brent Kolvet</i> ; Court Reporter/FTR #: <i>11:00:30 – 11:09:42</i> ; Time of Hearing: <i>11:00 a.m.</i> ; Courtroom: <i>1</i> ; The Court advises the motion to waive LR IA 10-2 concerning Mr. Hopengarten remains under submission to the District Court. Plaintiffs' expert disclosure <u>21</u> is STRICKEN. A settlement conference is set for April 17, 2012 at 9:00 a.m. The deputy court clerk is directed to issue the standard order scheduling settlement conference. THEREAFTER, the deputy court clerk advises counsel of a conflict with April 17, 2012, provides additional dates, and

		requests that counsel advise which dates they are available to schedule a settlement conference in this action. (Copies have been distributed pursuant to the NEF – LGM) (Entered: 03/15/2012)
03/28/2012	<u>25</u>	STIPULATION <i>Regarding Settlement Conference</i> by Plaintiffs Midge A Taormina, Thomas S Taormina. (McMahon, Brian) (Entered: 03/28/2012)
04/03/2012	26	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Robert C. Jones, on 4/3/2012. IT IS ORDERED that this case is reassigned to Judge Larry R. Hicks for all further proceedings. Chief Judge Robert C. Jones no longer assigned to case. All further documents must bear the correct case number 3:11-cv-645-LRH-VPC. (no image attached) (Copies have been distributed pursuant to the NEF – BLG) (Entered: 04/03/2012)
04/06/2012	<u>27</u>	ORDER APPROVING <u>25</u> Stipulation. IT IS ORDERED that pending a decision from the Court on Mr. Hopengarten's <i>Motion to Waive LR IA 10-2, Permitting Counsel to Continue Representation</i> , Mr. Hopengarten will appear in lieu of Mr. McMahon, as counsel for the TAORMINAS at the Settlement Conference. If there is no ruling on the <i>Motion</i> before April 16, 2012, the parties will reschedule the Settlement Conference with the Court. Signed by Magistrate Judge Valerie P. Cooke on 4/3/2012. (Copies have been distributed pursuant to the NEF – KO) (Entered: 04/06/2012)
04/10/2012	<u>28</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Larry R. Hicks, on 4/10/2012. Ps <u>12</u> Motion to Waive LR IA 10-2, Permitting Counsel to Continue Representation is GRANTED. Attorney Fred Hopengarten may continue to represent Ps without filing in this matter a verified petition for permission to practice in this case only by attorney not admitted to the Bar of this court and designation of local counsel. (Copies have been distributed pursuant to the NEF – PM) (Entered: 04/10/2012)
04/16/2012	29	MINUTES OF PROCEEDINGS – Settlement Conference held on 4/16/2012 before Magistrate Judge Valerie P. Cooke. Crtrm Administrator: <i>Rosemary Damron</i> ; Pla Counsel: <i>Fred Hopengarten</i> ; Def Counsel: <i>Brent Kolvet</i> ; Court Reporter/FTR #: <i>FTR 4:51:51 – 5:10:26</i> ; Time of Hearing: <i>9:00 a.m. – 5:10:26 p.m.</i> ; Courtroom: <i>1</i> . Also present for this proceeding in addition to Mr. Hopengarten, Mr. Taormina and Mr. Kolvet are Mr. Kershaw, Chairman, Storey County Commission; Mr. Whitten, Storey County Manager; Mr. Maddox, District Attorney for Storey County; Mr. Osborne, Storey County Planner; and Mr. Hamlin, on behalf of the insurance carrier. The Court and parties conducted settlement negotiations in chambers. The parties reached a settlement agreement. The terms of the settlement as outlined on the record are subject to approval by the Storey County Commission at a duly noticed public meeting. The parties have a binding settlement agreement. This Court retains jurisdiction over the terms of the settlement pending the filing of the stipulation of dismissal. Assuming this case is on Storey County's agenda for the vote in May, a stipulation and order for dismissal shall be submitted by Monday, June 18, 2012. If this matter is not on the May agenda for approval by Storey County, counsel will submit a notice to the court. The terms of the settlement agreement are placed on the record. The recording of this proceeding is sealed. IT IS SO ORDERED. Settlement documents are due by 6/18/2012. (no image attached) (Copies have been distributed pursuant to the NEF – RD) (Entered: 04/17/2012)
06/19/2012	<u>30</u>	Joint STATUS REPORT <i>Joint Status Report</i> by Defendant Storey County, Nevada. (Kolvet, Brent) (Entered: 06/19/2012)
06/20/2012	<u>31</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Valerie P. Cooke, on 6/20/2012. The court has reviewed the <u>30</u> Joint status report. A stipulation and order to dismiss shall be filed on or before Tuesday, July 3, 2012 . (Copies have been distributed pursuant to the NEF – DRM) (Entered: 06/21/2012)
06/28/2012	<u>32</u>	STIPULATION of Dismissal <i>Stipulation and Order for Dismissal With Prejudice</i> by Defendant Storey County, Nevada. (Kolvet, Brent) (Entered: 06/28/2012)
06/28/2012	<u>33</u>	STIPULATION of Dismissal <i>Stipulation and Order for Dismissal With Prejudice</i> by Defendant Storey County, Nevada. (Attachments: # <u>1</u> Exhibit 1)(Kolvet, Brent) (Entered: 06/28/2012)