

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:09-cv-01574-SEB-MJD**

H. et al v. PAYNE  
Assigned to: Judge Sarah Evans Barker  
Referred to: Magistrate Judge Mark J. Dinsmore  
Case in other court: 7th Circuit, 10-01394  
Cause: 28:1983 Civil Rights

Date Filed: 12/22/2009  
Jury Demand: None  
Nature of Suit: 440 Civil Rights:  
Other  
Jurisdiction: Federal Question

**Plaintiff**

**C. H.**

represented by **Gavin Minor Rose**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**R. H.**

represented by **Gavin Minor Rose**  
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*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**T. S.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**S. H.**  
#1

represented by **Gavin Minor Rose**  
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*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**S. H.**  
#2

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**A. H.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**B. H.**  
*minor children by their parents and  
next friends*

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**C. H.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**R. H.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**N. M. S.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**N. J. S.**

*minor children, by their parents and  
next friends*

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**D. S.**

represented by **Gavin Minor Rose**  
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*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**J. S.**

*on their own behalf and on behalf of  
those similarly situated*

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**J. J.**  
#1

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**J. J.**  
#2

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**J. J.**  
*#3, minor children by their next  
friends*

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**C. H.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**R. H.**  
*on thier own behalf and on behalf of  
those similarly situated*

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**D. S.**

represented by **Gavin Minor Rose**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**IARCCA, an Association of  
Children and Family Services  
("IARCCA")**

represented by **Anne Kramer Ricchiuto**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**H.K.**  
*on her own behalf and on behalf of a*

represented by **Gavin Minor Rose**  
(See above for address)

*class of those similarly situated*

*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**S.D.**

*minor child*

represented by **Gavin Minor Rose**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**C.W.**

*minor child*

represented by **Gavin Minor Rose**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**

(See above for address)

*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**JAMES W. PAYNE**

*in his official capacity as Director of  
the Indiana Department of Child  
Services*

represented by **Betsy M. Isenberg**

INDIANA OFFICE OF THE

ATTORNEY GENERAL

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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/22/2009	<a href="#"><u>1</u></a>	COMPLAINT against JAMES W. PAYNE, filed by R. H., N. M. S., J. J.(#1), T. S., D. S., C. H., R. H.(on thier own behalf and on behalf of those similarly situated), J. J.(#3, minor children by their next friends), J. S., J. J.(#2), S. H.(#1), S. H.(#2), A. H., B. H., N. J. S. (Attachments: # <a href="#"><u>1</u></a> )

		Exhibit 1- Letter regarding changes in monthly payments.)(JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">2</a>	CIVIL COVER SHEET, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S. (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">3</a>	RECEIPT #IP016037 in the amount of \$ 350.00 (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">4</a>	Summons Issued as to JAMES W. PAYNE. (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">5</a>	NOTICE of Appearance by Kenneth J. Falk on behalf of Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S. (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">6</a>	NOTICE of Appearance by Gavin Minor Rose on behalf of Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S. (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">7</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (JD) (Entered: 12/22/2009)
12/22/2009	<a href="#">8</a>	MOTION to Proceed by Anonymous Name, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Affidavit C.H. and R.H., # <a href="#">2</a> Affidavit D.S. and J.S., # <a href="#">3</a> Text of Proposed Order)(Rose, Gavin) (Entered: 12/22/2009)
12/22/2009	<a href="#">9</a>	BRIEF/MEMORANDUM in Support re <a href="#">8</a> MOTION to Proceed by Anonymous Name, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 12/22/2009)
12/22/2009	<a href="#">10</a>	MOTION to Certify Class, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 12/22/2009)
12/22/2009	<a href="#">11</a>	BRIEF/MEMORANDUM in Support re <a href="#">10</a> MOTION to Certify Class, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 12/22/2009)
12/24/2009	<a href="#">12</a>	RETURN of Service by CMRRR, filed by R. H., N. M. S., J. J.(#1), T. S., D. S., C. H., R. H.(on thier own behalf and on behalf of those similarly situated), J. J.(#3, minor children by their next friends), J. S., J. J.(#2), S. H.(#1), S. H.(#2), A. H., B. H., N. J. S.. JAMES W. PAYNE served on 12/23/2009. (Falk, Kenneth) (Entered: 12/24/2009)

12/28/2009	<a href="#">13</a>	Unopposed MOTION to Consolidate Cases, filed by Plaintiff IARCCA, an Association of Children and Family Services ("IARCCA"). (Attachments: # <a href="#">1</a> Text of Proposed Order)(Laramore, Jon) (Entered: 12/28/2009)
12/29/2009	<a href="#">14</a>	MOTION for Preliminary Injunction, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Rose, Gavin) (Entered: 12/29/2009)
12/29/2009	<a href="#">15</a>	NOTICE of Appearance by David S. Christoff on behalf of Defendant JAMES W. PAYNE. (Christoff, David) (Entered: 12/29/2009)
12/29/2009	<a href="#">16</a>	NOTICE of Appearance by Anne Kramer Ricchiuto on behalf of Plaintiff IARCCA, an Association of Children and Family Services ("IARCCA"). (Ricchiuto, Anne) (Entered: 12/29/2009)
12/29/2009	<a href="#">17</a>	NOTICE of Appearance by James J. Hutton on behalf of Defendant JAMES W. PAYNE. (Hutton, James) (Entered: 12/29/2009)
12/29/2009	<a href="#">18</a>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendant JAMES W. PAYNE. (Isenberg, Betsy) (Entered: 12/29/2009)
12/30/2009	<a href="#">19</a>	ENTRY Following Telephone Conference: On December 29, 2009, the parties appeared telephonically by counsel for a status conference in the above two causes of action. Subject to the Court's approval, all parties agreed that pre-trial proceedings in the two causes of action can be consolidated, without prejudice to any party's right to insist upon separate trials. The parties contemplate taking one deposition in advance of any preliminary injunction hearing, which they expect to be completed sometime during the next week. The parties jointly requested, and the Magistrate Judge recommends, that the District Judge schedule a half-day preliminary injunction hearing one afternoon during the week of January 18, 2010. They parties also agreed to simultaneously submit prehearing briefs, briefs which the Magistrate Judge recommends be due five days before the preliminary injunction hearing. Signed by Judge Jane Magnus-Stinson on 12/30/2009.(SWM) (Entered: 12/30/2009)
12/31/2009	<a href="#">20</a>	SCHEDULING ORDER. Having reviewed the Magistrate Judge's report regarding the telephone status conference in the above matters on 12/29/09, the Court now sets an evidentiary hearing for 1/20/2010 at 09:30 AM in room #216 before Judge Sarah Evans Barker. The parties shall file any prehearing briefs and stipulations no later than 1/15/2010. Signed by Judge Sarah Evans Barker on 12/31/2009.(LBK) (Entered: 12/31/2009)
01/10/2010	<a href="#">21</a>	AMENDED COMPLAINT against JAMES W. PAYNE, filed by T. S.,



		C. H., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J.(#3, minor children by their next friends), S. H.(#2), A. H., R. H., N. M. S., J. J.(#1), D. S., R. H.(on thier own behalf and on behalf of those similarly situated), J. S., B. H., S. H.(#1), J. J.(#2), N. J. S.. (Attachments: # <a href="#">1</a> Exhibit)(Rose, Gavin) (Entered: 01/10/2010)
01/10/2010	<a href="#">22</a>	Amended MOTION <i>for Adult Plaintiffs to Proceed by Anonymous Name</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Affidavit (H. family), # <a href="#">2</a> Affidavit (S. family), # <a href="#">3</a> Affidavit (K. family), # <a href="#">4</a> Text of Proposed Order)(Rose, Gavin) (Entered: 01/10/2010)
01/10/2010	<a href="#">23</a>	BRIEF/MEMORANDUM in Support re <a href="#">22</a> Amended MOTION <i>for Adult Plaintiffs to Proceed by Anonymous Name</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 01/10/2010)
01/10/2010	<a href="#">24</a>	MOTION to Certify Class ( <i>Renewed</i> ), filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 01/10/2010)
01/10/2010	<a href="#">25</a>	BRIEF/MEMORANDUM in Support re <a href="#">24</a> MOTION to Certify Class ( <i>Renewed</i> ), filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Rose, Gavin) (Entered: 01/10/2010)
01/12/2010	<a href="#">26</a>	NOTICE of Appearance by April Edwards Sellers on behalf of Plaintiff IARCCA, an Association of Children and Family Services ("IARCCA"). (Sellers, April) (Entered: 01/12/2010)
01/12/2010	<a href="#">27</a>	ORDER granting pltfs' <a href="#">8</a> and <a href="#">22</a> Motion(s) to Proceed by Anonymous Names and Motion to Seal Affidavits Containing Actual Names (see Order for details). Signed by Judge Jane Magnus-Stinson on 1/12/2010. (SWM) (Entered: 01/12/2010)
01/13/2010	<a href="#">28</a>	STIPULATION to Certification of Cause as Class Action, re <a href="#">24</a> MOTION to Certify Class ( <i>Renewed</i> ), filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Rose, Gavin) (Entered: 01/13/2010)
01/13/2010	<a href="#">29</a>	SEALED Affidavits of Adult Plaintiffs, re <a href="#">27</a> Order on Motion, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Affidavit (C.H. and R.H.), # <a href="#">2</a> Affidavit (D.S. and T.S.), # <a href="#">3</a> Affidavit (H.K.))(Rose, Gavin) (Entered: 01/13/2010)

01/15/2010	<a href="#">30</a>	STIPULATION, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Exhibit State Plan, # <a href="#">2</a> Exhibit USDA Report, # <a href="#">3</a> Exhibit Hitting the MARC, # <a href="#">4</a> Exhibit Foster Care Notice, # <a href="#">5</a> Exhibit Adoption Assitance Notice, # <a href="#">6</a> Exhibit Foster parent listing)(Falk, Kenneth) (Entered: 01/15/2010)
01/15/2010	<a href="#">31</a>	BRIEF/MEMORANDUM in Support re <a href="#">14</a> MOTION for Preliminary Injunction, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Falk, Kenneth) (Entered: 01/15/2010)
01/15/2010	<a href="#">32</a>	NOTICE <i>Designation of Evidence - Part 1</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., re <a href="#">14</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Exhibit 1 (Dep. of Weinberg), # <a href="#">2</a> Exhibit 2 (Part 1 of 6) (Aff. of DePanfilis), # <a href="#">3</a> Exhibit 2 (Part 2 of 6) (Aff. of DePanfilis)) (Rose, Gavin) (Entered: 01/15/2010)
01/15/2010	<a href="#">33</a>	NOTICE <i>Designation of Evidence - Part 2</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., re <a href="#">14</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Exhibit 2 (Part 3 of 6) (Aff. of DePanfilis), # <a href="#">2</a> Exhibit 2 (Part 4 of 6) (Aff. of DePanfilis)) (Rose, Gavin) (Entered: 01/15/2010)
01/15/2010	<a href="#">34</a>	RESPONSE in Opposition re <a href="#">14</a> MOTION for Preliminary Injunction, filed by Defendant JAMES W. PAYNE. (Isenberg, Betsy) (Entered: 01/15/2010)
01/15/2010	<a href="#">35</a>	NOTICE <i>Designation of Evidence - Part 3</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., re <a href="#">14</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Exhibit 2 (Part 5 of 6) (Aff. of DePanfilis), # <a href="#">2</a> Exhibit 2 (Part 6 of 6) (Aff. of DePanfilis)) (Rose, Gavin) (Entered: 01/15/2010)
01/15/2010	<a href="#">36</a>	NOTICE <i>Designation of Evidence - Part 4</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., re <a href="#">14</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Exhibit 3 (Supp. Aff. of H.K.), # <a href="#">2</a> Exhibit 4 (Aff. of Campbell), # <a href="#">3</a> Exhibit 5 (Aff. of Howard), # <a href="#">4</a> Exhibit 6 (Supp. Aff. of C.H. and R.H.), # <a href="#">5</a> Exhibit 7 (Aff. of Thurston), # <a href="#">6</a> Exhibit 8 (Supp. Aff. of D.S. and T.S.), # <a href="#">7</a> Exhibit 9 (Aff. of Mark and Michelle Pratt), # <a href="#">8</a> Exhibit 10 (Aff. of Gwin), # <a href="#">9</a> Exhibit 11 (Aff. of Hodge), # <a href="#">10</a> Exhibit 12 (Aff. of Cunningham), # <a href="#">11</a> Exhibit 13 (Aff. of Sullen), # <a href="#">12</a> Exhibit 14 (Aff. of Lehman), # <a href="#">13</a> Exhibit 15 (Aff. of Sherman), # <a href="#">14</a> Exhibit 16 (Aff. of Nicley), # <a href="#">15</a> Exhibit 17 (Aff. of

		Greene), # <a href="#">16</a> Exhibit 18 (Aff. of Upton), # <a href="#">17</a> Exhibit 19 (Aff. of Goff), # <a href="#">18</a> Exhibit 20 (Aff. of Akamu), # <a href="#">19</a> Exhibit 21 (Aff. of Brown), # <a href="#">20</a> Exhibit 22 (Aff. of M. Williams), # <a href="#">21</a> Exhibit 23 (Aff. of Fowler), # <a href="#">22</a> Exhibit 24 (Aff. of G. Williams)) (Rose, Gavin) (Entered: 01/15/2010)
01/18/2010	<a href="#">37</a>	NOTICE <i>Supplemental Designation of Evidence</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., re <a href="#">14</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Exhibit 25 (Add'l Excerpts from Dep. of Weinberg)) (Rose, Gavin) (Entered: 01/18/2010)
01/19/2010	<a href="#">38</a>	Amended MOTION <i>of Adult Plaintiffs to Proceed by Anonymous Name (Second)</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Rose, Gavin) (Entered: 01/19/2010)
01/20/2010	<a href="#">39</a>	NOTICE of Parties' First Extension of Time, filed by Defendant JAMES W. PAYNE. (Christoff, David) (Entered: 01/20/2010)
01/20/2010	<a href="#">40</a>	MOTION to Amend/Correct <a href="#">21</a> Amended Complaint <i>Substitute Attached Corrected Amended Complaint for First Amended Complaint to Correct Typographical Error</i> , filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S.. (Attachments: # <a href="#">1</a> Exhibit Corrected First Amended Complaint, # <a href="#">2</a> Exhibit Corrected First Amended Complaint (Exh. 1), # <a href="#">3</a> Text of Proposed Order)(Rose, Gavin) (Entered: 01/20/2010)
01/20/2010	<a href="#">42</a>	STIPULATION regarding Admissibility of exhibits, filed by Plaintiffs A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., Defendant JAMES W. PAYNE. (MAC) (Entered: 01/22/2010)
01/21/2010	<a href="#">41</a>	MINUTE ENTRY for January 20, 2010. Evidentiary hearing on Plaintiffs' motions for preliminary injunction held and concluded. The preliminary relief requested by the plaintiffs, Docket No. <a href="#">14</a> , was granted in accordance with the Court's ruling from the bench. A separate, written ruling will follow. The Unopposed Motion to Consolidate for pretrial purposes, but not for trial, Docket No. <a href="#">13</a> , was granted. A separate, written ruling will follow. The Court accepted the Stipulation filed in 1:09-cv-1574 regarding the status of the CH Plaintiffs to proceed as four distinct classes pursuant to Fed. R. Civ. P. 23. A separate, written ruling formally certifying the classes will follow. Given the Court's acceptance of the Stipulation, no rulings are required on the motions filed in 1:09-cv-1547 at Docket Nos. <a href="#">10</a> and <a href="#">24</a> . The Court accepted the IARCCA's original memorandum filed in 1:09-cv-1580 at Docket No.

		14. Therefore, no ruling is required on the Motion to Amend/Correct filed at Docket No. <a href="#">16</a> . (Hearing recorded by Laura Howie-Walters, Court Reporter). Signed by Judge Sarah Evans Barker on 1/21/2010. (PGS) (Entered: 01/21/2010)
01/21/2010	<a href="#">43</a>	ORDER granting pltf's' <a href="#">38</a> Amended Motion to proceed by anonymous name and Motion to seal affidavits (see Order for details). Signed by Judge Jane Magnus-Stinson on 1/21/2010. (SWM) (Entered: 01/22/2010)
01/25/2010	<a href="#">44</a>	ORDER Granting re <a href="#">13</a> Unopposed MOTION to Consolidate Cases filed by IARCCA, an Association of Children and Family Services ("IARCCA"). The parties shall file all future pleadings, motions, and other documents in Cause No. 1:09-cv-1574 SEB-JMS only, utilizing the consolidated caption shown. (S.O.). Signed by Judge Sarah Evans Barker on 1/25/2010.(MAC) (Entered: 01/26/2010)
01/25/2010	<a href="#">45</a>	ORDER CERTIFYING Claims of C.H. Plaintiffs to Proceed as a Class Action. Kenneth J. Falk and Gavin M. Rose of the ACLU of Indiana are hereby appointed class counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure (S.O.). Signed by Judge Sarah Evans Barker on 1/25/2010.(MAC) (Entered: 01/26/2010)
01/25/2010	<a href="#">46</a>	ORDER granting plaintiffs' <a href="#">40</a> Motion to Amend/Correct First Amended Class Action Complaint. Signed by Judge Sarah Evans Barker on 1/25/2010. (MAC) (Entered: 01/26/2010)
01/26/2010	<a href="#">47</a>	AMENDED COMPLAINT against JAMES W. PAYNE, filed by T. S., C. H., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J.(#3, minor children by their next friends), S. H.(#2), A. H., R. H., N. M. S., J. J.(#1), D. S., R. H.(on thier own behalf and on behalf of those similarly situated), J. S., B. H., S. H.(#1), J. J.(#2), N. J. S.. (Attachments: # <a href="#">1</a> Exhibit 1)(MAC) (Entered: 01/26/2010)
01/26/2010	<a href="#">48</a>	ORDER Granting re <a href="#">14</a> MOTION for Preliminary Injunction filed by N. M. S., A. H., J. J., N. J. S., D. S., IARCCA, an Association of Children and Family Services ("IARCCA"), T. S., S. H., J. S., R. H., B. H., C. H. PRELIMINARY INJUNCTION took effect at the conclusion of the hearing on January 20, 2010, by order of the Court and shall remain in effect and extend until further order of the Court or, in any event, no later than a final ruling on the merits (See Order). Signed by Judge Sarah Evans Barker on 1/26/2010.(MAC) (Entered: 01/26/2010)
02/02/2010	<a href="#">49</a>	AMENDED ENTRY granting a preliminary injunction-This entry is amended to correct a typographical error on page 25 of the prior entry issued on 1/26/10. With the exception of that one word correction, this entry is in all other respects identical to the prior entry. Signed by Judge Sarah Evans Barker on 2/2/2010.(CBU) (Entered: 02/02/2010)

02/04/2010	<a href="#">50</a>	ANSWER to <a href="#">1</a> Complaint, filed by JAMES W. PAYNE.(Christoff, David) (Entered: 02/04/2010)
02/05/2010	<a href="#">51</a>	ENTRY regarding CMP and Initial Pretrial Conference. SCHEDULING ORDER: Initial Pretrial Conference set for 4/6/2010 09:00 AM in room #361 before Judge Jane Magnus-Stinson. The CMP is due no later than 7 days prior to the iptc (see Entry for other details). Signed by Judge Jane Magnus-Stinson on 2/5/2010.(SWM) (Entered: 02/05/2010)
02/16/2010	<a href="#">52</a>	ANSWER to <a href="#">47</a> Amended Complaint, filed by JAMES W. PAYNE.(Christoff, David) (Entered: 02/16/2010)
02/18/2010	<a href="#">53</a>	NOTICE OF APPEAL as to <a href="#">49</a> Entry, <a href="#">48</a> Order, filed by Defendant JAMES W. PAYNE. (Christoff, David) (Entered: 02/18/2010)
02/18/2010	<a href="#">54</a>	DOCKETING STATEMENT by JAMES W. PAYNE re <a href="#">53</a> Notice of Appeal (Christoff, David) (Entered: 02/18/2010)
02/18/2010	<a href="#">55</a>	SEVENTH CIRCUIT APPEAL INFORMATION SHEET re <a href="#">53</a> Notice of Appeal - <b>Instructions for Attorneys - Parties' Short Record, Instructions, and Designation of Record information attached.</b> (TMA) (Entered: 02/18/2010)
02/18/2010	<a href="#">56</a>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">53</a> Notice of Appeal. - <b>for Court of Appeals Use Only.</b> (TMA) (Entered: 02/18/2010)
02/18/2010	<a href="#">57</a>	USCA Appeal Fees received \$ 455 receipt number IP16834 re <a href="#">53</a> Notice of Appeal filed by JAMES W. PAYNE. (cc: USCA) (TMA) (Entered: 02/19/2010)
02/18/2010	<a href="#">58</a>	USCA Case Number 10-1394 for <a href="#">53</a> Notice of Appeal filed by JAMES W. PAYNE. (Attachments: # <a href="#">1</a> Circuit Rule 3(b) Notice)(TMA) (Entered: 02/19/2010)
02/25/2010	<a href="#">59</a>	NOTICE of FILING of OFFICIAL TRANSCRIPT of Proceedings held before Judge Sarah Evans Barker on 01/20/2010. (Howie-Walters, Laura) (Entered: 02/25/2010)
02/25/2010	<a href="#">60</a>	TRANSCRIPT of Proceedings held on 01/20/2010, before Judge Sarah Evans Barker. Court Reporter/Transcriber Laura Howie-Walters, Telephone number (317) 632-3422. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Statement due 3/18/2010. Release of Transcript Restriction set for 5/26/2010. (Howie-Walters, Laura) Released on 5/26/2010 (LBK). (Entered: 02/25/2010)
02/26/2010	<a href="#">61</a>	DESIGNATION of Record on Appeal by C.W., A. H., B. H., C. H., R.

		H., R. H.(on thier own behalf and on behalf of those similarly situated), S. H.(#2), S. H.(#1), H.K., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J.(#3, minor children by their next friends), J. J.(#1), J. J.(#2), JAMES W. PAYNE, D. S., J. S., N. M. S., N. J. S., T. S., S.D. re <a href="#">53</a> Notice of Appeal (Attachments: # <a href="#">1</a> Exhibit A - Civil Docket for 1:09cv1574, # <a href="#">2</a> Exhibit B - Civil Docket for 1:09cv1580)(Isenberg, Betsy) (Entered: 02/26/2010)
03/05/2010	<a href="#">62</a>	MOTION to Stay of <i>Preliminary Injunction</i> , filed by Defendant JAMES W. PAYNE. (Attachments: # <a href="#">1</a> Affidavit of James W. Payne, # <a href="#">2</a> Affidavit of Lisa Rich)(Hutton, James) (Entered: 03/05/2010)
03/05/2010	<a href="#">63</a>	BRIEF/MEMORANDUM in Support re <a href="#">62</a> MOTION to Stay of <i>Preliminary Injunction</i> , filed by Defendant JAMES W. PAYNE. (Hutton, James) (Entered: 03/05/2010)
03/18/2010	<a href="#">64</a>	RESPONSE in Opposition re <a href="#">62</a> MOTION to Stay of <i>Preliminary Injunction</i> , filed by Plaintiffs C.W., A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., H.K., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., S.D.. (Falk, Kenneth) (Entered: 03/18/2010)
03/18/2010	<a href="#">66</a>	SCHEDULING ENTRY: The Court hereby converts the initial pretrial currently set for April 6, 2010 is now moved from 9:00 a.m. to 8:30 a.m. and converted to a status conference to address case status and case disposition. A client representative with settlement authority is required to attend in person. Signed by Judge Jane Magnus-Stinson on 3/18/2010.(SWM) (Entered: 03/19/2010)
03/19/2010	<a href="#">65</a>	RESPONSE in Opposition re <a href="#">62</a> MOTION to Stay of <i>Preliminary Injunction</i> , filed by Plaintiff IARCCA, an Association of Children and Family Services ("IARCCA"). (Attachments: # <a href="#">1</a> Exhibit Excerpts from Public Law 182)(Sellers, April) (Entered: 03/19/2010)
03/29/2010	<a href="#">67</a>	ENTRY for 3/29/2010: The magistrate judge has been advised that the parties have been involved in settlement discussions at the 7th Circuit, and does not wish to interfere with that process or cause unnecessary duplication of effort. Accordingly, the parties shall submit - not file - a joint report concerning the progress of those discussions, and the parties positions whether the conference set for April 6 should be reset as a status conference only, or whether continued discussions concerning settlement should be held. Issued by Judge Jane Magnus-Stinson on 3/29/2010.(SWM) (Entered: 03/30/2010)
04/06/2010	<a href="#">68</a>	Minute Entry for proceedings held before Judge Jane Magnus-Stinson: Status Conference held on 4/6/2010. The status and development of the action were discussed, and as a result of this conference the following Entry is made pursuant to Rule 16(d) of the Federal Rules of Civil Procedure. The magistrate judge and the parties discussed the case status

		generally, and the potential for agreed resolution specifically. Outstanding discovery was also discussed, and the parties were reminded of their obligations to use best efforts to resolve discovery disputes without Court involvement. Parties are to report the status of their negotiations to the magistrate judge by April 20, 2010. (SWM) (Entered: 04/07/2010)
04/26/2010	<a href="#">69</a>	SCHEDULING ENTRY: Settlement Conference set for 5/6/2010 01:00 PM in room #361 before Judge Jane Magnus-Stinson. Parties shall appear by counsel and in person and shall submit (not file) a confidential statement to the magistrate judge setting forth their respective settlement positions on or before May 4, 2010. Issued by Judge Jane Magnus-Stinson on 4/26/2010.(SWM) (Entered: 04/26/2010)
04/29/2010	<a href="#">70</a>	ENTRY FOR APRIL 29, 2010. The settlement conference set for May 6, 2010 is VACATED AND RESET for May 11, 2010, at 9:00 A.M. in Room 361, United States Courthouse, 46 E. Ohio Street, Indianapolis,Indiana. All deadlines and requirements set forth in the Courts order of April 26, 2010, docket number 69, setting the settlement conference remain in effect. Signed by Judge Jane Magnus-Stinson on 4/29/2010.(MRI) (Entered: 04/29/2010)
05/11/2010	<a href="#">71</a>	Minute Entry for proceedings held before Judge Jane Magnus-Stinson: Settlement Conference reconvened on 5/11/2010. Conference held and case is resolved as to the C.H. plaintiff class, not as to the IARCCA claims. IARRCA and Defendants remain in negotiations about long and short term issues, but defendants desire the litigation to proceed. Defendants motion to stay injunction [dkt. 62] is ripe for ruling. (MAC) (Entered: 05/12/2010)
05/18/2010	<a href="#">72</a>	Letter from Severns & Stinson, Attorneys at Law regarding referral for assistance of adoption issues. (MAC) (Entered: 05/18/2010)
05/27/2010	<a href="#">73</a>	ORDER denying defendants <a href="#">62</a> Motion to Stay. Defendants Motion is MOOT with respect to C.H. group of plaintiffs and DENIES with respect to the IARCCA. Signed by Judge Sarah Evans Barker on 5/27/2010. (MAC) (Entered: 05/28/2010)
06/16/2010	<a href="#">74</a>	Reassignment of Case to Magistrate Judge Debra McVicker Lynch. Judge Jane Magnus-Stinson no longer assigned to the case. Please include the new case number (1:09-cv-1574-SEB-DML), which includes the initials of the newly assigned judge, on all future filings in this matter. (TMA) (Entered: 06/16/2010)
11/19/2010	<a href="#">75</a>	STIPULATION to Fully Settle Action Following Notice to the Class and Subject to Class Approval and Court Order Pursuant to Rule 23 of the Federal Rules of Civil Procedure, filed by Plaintiffs C.W., A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., H.K., J. J., J. J., J. J.,

		D. S., D. S., J. S., N. M. S., N. J. S., T. S., S.D.. (Falk, Kenneth) (Entered: 11/19/2010)
11/19/2010	<a href="#">76</a>	MOTION to Approve Form and Manner of Notice to the Class and Motion to Set Case for Fairness Hearing, filed by Plaintiffs C.W., A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., H.K., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., S.D.. (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Proposed Class Notice)(Falk, Kenneth) (Entered: 11/19/2010)
12/10/2010	<a href="#">77</a>	ORDER GRANTING <a href="#">76</a> Motion to Approve Form and Manner of Notice to the Class Action and Motion to Set for Fairness Hearing; SCHEDULING ORDER: Fairness Hearing set for 2/23/2011 10:00 AM in room #216, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Sarah Evans Barker. Therefore, the class notice attached the Motion shall be given to the class as follows: Posted notice in all offices of the Department of Child Services. In newspapers of general circulation in Indianapolis, Fort Wayne, Evansville, Gary, New Albany and Richmond. Futhermore that no earlier than 30 days following the initial posting and publication of the notice, plaintiffs' attorneys shall file their report with this Court as to the results of the class notice. Signed by Judge Sarah Evans Barker on 12/10/2010.(CKM) (Entered: 12/13/2010)
12/18/2010	<a href="#">78</a>	Reassignment of Case to Magistrate Judge Mark J. Dinsmore. Magistrate Judge Debra McVicker Lynch no longer assigned to the case. Please include the new case number (1:09-cv-1574-SEB-MJD), which includes the initials of the newly assigned judge, on all future filings in this matter. (JD) (Entered: 12/18/2010)
02/08/2011	<a href="#">79</a>	MOTION to Withdraw Appearance of James J. Hutton, filed by Defendant JAMES W. PAYNE. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Isenberg, Betsy) (Entered: 02/08/2011)
02/08/2011	<a href="#">80</a>	MOTION to Withdraw Appearance of David S. Christoff, filed by Defendant JAMES W. PAYNE. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Isenberg, Betsy) (Entered: 02/08/2011)
02/08/2011	<a href="#">81</a>	REPORT of Class Counsel in CH v. Payne Following Notice to the Class by C.W., A. H., B. H., C. H., R. H., R. H.(on thier own behalf and on behalf of those similarly situated), S. H.(#2), S. H.(#1), H.K., J. J.(#3, minor children by their next friends), J. J.(#1), J. J.(#2), D. S., J. S., N. M. S., N. J. S., T. S., S.D.. (Falk, Kenneth) (Entered: 02/08/2011)
02/09/2011	<a href="#">82</a>	Submission of Proposed Order, filed by Plaintiffs C.W., A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., H.K., J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., S.D.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Falk, Kenneth) (Entered: 02/09/2011)



02/09/2011	<a href="#">83</a>	ORDER GRANTING <a href="#">79</a> Motion to Withdraw Appearance of James J. Hutton. IT IS, THEREFORE, ORDERED by the Court that the appearance of James J. Hutton be withdrawn and that Deputy Attorney General Betsy M. Isenberg, continue to represent the Defendants and their interests. Signed by Judge Sarah Evans Barker on 2/9/2011. (CKM) (Entered: 02/09/2011)
02/09/2011	<a href="#">84</a>	ORDER GRANTING <a href="#">80</a> Motion to Withdraw Appearance of David S. Christoff. IT IS, THEREFORE, ORDERED by the Court that the appearance of David S. Christoff be withdrawn and that Deputy Attorney General Betsy M. Isenberg, continue to represent the Defendants and their interests. Signed by Judge Sarah Evans Barker on 2/9/2011. (CKM) (Entered: 02/09/2011)
02/24/2011	<a href="#">85</a>	STIPULATION of Dismissal, filed by Plaintiffs C.W., A. H., B. H., C. H., C. H., C. H., R. H., R. H., R. H., S. H., S. H., H.K., IARCCA, an Association of Children and Family Services ("IARCCA"), J. J., J. J., J. J., D. S., D. S., J. S., N. M. S., N. J. S., T. S., S.D., Defendant JAMES W. PAYNE. (Laramore, Jon) (Entered: 02/24/2011)
02/25/2011	<a href="#">86</a>	Minute Entry for proceedings held before Judge Sarah Evans Barker on 2/23/2011. On February 23, 2011, the parties appeared by counsel for a hearing, in accordance with Fed.R. Civ. P. 23(e), for the Court to consider the proposed settlement of the claims brought by the C.H. plaintiffs against James W. Payne. The Court found that the proposed settlement was fair, reasonable, and adequate pursuant to Rule 23(e) and that approval of the parties settlement was therefore appropriate. A separate order will issue. (Court Reporter Laura Howie-Walters.) (MAC) (Entered: 02/28/2011)
02/25/2011	<a href="#">87</a>	ORDER Approving re <a href="#">75</a> Stipulation between parties in C.H. v. PAYNE. as fair, reasonable and adequate pursuant to Rule 23(e) of the Fed.R.Civ.P. and Dismissing the action pursuant to the Stipulation. This case shall be dismissed with prejudice, subject to the terms of the Stipulation, as soon as defendant files with the Court proof that the pending appeal in the Seventh Circuit has been dismissed and this Order shall be deemed to be immediately effective as of that date (S.O.) Signed by Judge Sarah Evans Barker on 2/25/2011. (MAC) (Entered: 02/28/2011)
02/25/2011	<a href="#">88</a>	ORDER Approving re <a href="#">85</a> Stipulation of Dismissal. The parties hereby stipulate, and this Court hereby orders, that the claims brought by IARCCA against DCS in this lawsuit including, without limitation, those claims made in paragraphs 13 through 38 of IARCCA's Verified Complaint for Declaratory and Injunctive Relief ("Complaint") are dismissed without prejudice and that the claims made in the Complaint cannot be reopened, subject to the provisions of Paragraph 2 above.

		(S.O.) Signed by Judge Sarah Evans Barker on 2/25/2011.(MAC) (Entered: 02/28/2011)
02/28/2011	<a href="#">89</a>	MANDATE of USCA as to <a href="#">53</a> Notice of Appeal filed by JAMES W. PAYNE - Upon consideration of the motion to dismiss case pursuant to FRAP 42(b), filed by counsel for the appellants on February 28, 2011 IT IS ORDERED that this case is DISMISSED, pursuant to Federal Rule of Appellate Procedure 42(b). (No record to be returned.) (TMA) (Entered: 03/01/2011)
03/02/2011	<a href="#">90</a>	NOTICE <i>Regarding Dismissal of Appeal</i> , filed by Defendant JAMES W. PAYNE (Isenberg, Betsy) (Entered: 03/02/2011)

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