

UNITED STATES DISTRICT COURT SOUTHERN INDIANA

STANLEY, LOLITA -VS- GENTRY, RORY A

TH00-C-0053 -T/H

FILED	CLOSED	NATR SUIT	JURY?	DEMAND (\$1000)	JUDGE	MAGISTRATE
01/31/2000	06/05/2002	440	Y	0	TINDER	HUSSMANN

CAUSE: CIVIL RIGHTS; Other Civil Rights

STANLEY, LOLITA
 plaintiff

MARILYN A MOORES
 COHEN & MALAD, P.C.
 ONE INDIANA SQUARE, SUITE 1400
 PO BOX 627
 INDIANAPOLIS, IN 46206
 (317)636-6481

STANLEY, LAURENCE
 plaintiff

V.

GENTRY, RORY A
 defendant

CAREN POLLACK
 MANDELL POLLACK
 8900 KEYSTONE CROSSING, SUITE 950
 INDIANAPOLIS, IN 46240
 (317)848-7000

KELLER, MICHAEL
 defendant

CAREN POLLACK
 MANDELL POLLACK
 8900 KEYSTONE CROSSING, SUITE 950
 INDIANAPOLIS, IN 46240
 (317)848-7000

DEAL, ROBERT L
 defendant

CAREN POLLACK
 MANDELL POLLACK
 8900 KEYSTONE CROSSING, SUITE 950
 INDIANAPOLIS, IN 46240
 (317)848-7000

CITY OF TERRE HAUTE
 defendant

CAREN POLLACK
 MANDELL POLLACK
 8900 KEYSTONE CROSSING, SUITE 950
 INDIANAPOLIS, IN 46240
 (317)848-7000

DOE, ANITA
 defendant

CRAIG M MCKEE
 WILKINSON GOELLER MODESITT
 WILKINSON & DRUMMY
 333 OHIO STREET P O BOX 800
 TERRE HAUTE, IN 47808
 (317)222-4211

(812)232-4311

SHERIFF OF VIGO COUNTY

defendant

CRAIG M MCKEE

WILKINSON GOELLER MODESITT

WILKINSON & DRUMMY

333 OHIO STREET P O BOX 800

TERRE HAUTE, IN 47808

(812)232-4311

ENNEN, JEFFREY LT

defendant

CRAIG M MCKEE

WILKINSON GOELLER MODESITT

WILKINSON & DRUMMY

333 OHIO STREET P O BOX 800

TERRE HAUTE, IN 47808

(812)232-4311

DATE	NR.	PROCEEDINGS
01/31/2000	1	COMPLAINT for damages w/ exhibits a-c eod 02/07/00 [VS]
01/31/2000	2	DEMAND FOR JURY TRIAL eod 02/07/00 [VS]
01/31/2000	3	MAGISTRATE'S NOTICE issued eod 02/07/00 [VS]
01/31/2000	4	SUMMONS issued and retrd to cnsI eod 02/07/00 [VS]
01/31/2000	5	CIVIL COVER SHEET eod 02/07/00 [VS]
02/08/2000	6	APPEARANCE of Craig M. McKee for Anita Doe, Wm Harris in his official capacity as Vigo County Sheriff and Lt. Jeffrey Ennen in his official capacity as Vigo County Jail Commander, c/s eod 02/08/00 [SKL]
02/09/2000	7	NOTICE OF PARTIES' FIRST EXTENSION OF TIME to and incl 3/23/00 to respond to complt, c/s - deft eod 02/09/00 [SKL]
03/23/2000	8	BRIEF in support of mot to dismiss, c/s - defts William R. Harris and Jeffrey Ennen eod 03/23/00 [VS]
03/23/2000	9	MOTION TO DISMISS c/s - defts William R. Harris and Jeffrey Ennen eod 03/23/00 [VS]
03/28/2000	10	MOTION FOR TIME TO respond to defts Ennen and Harris' mot to dismiss, c/s - pltfs eod 03/28/00 [VS]
03/28/2000	11	WAIVER OF SERVICE OF SUMMONS SERVED ON AND RET'D BY William R. Harris eod 03/28/00 [VS]
03/28/2000	12	WAIVER OF SERVICE OF SUMMONS SERVED ON AND RET'D BY Jeffrey P. Ennen eod 03/28/00 [VS]
03/29/2000	13	ORDER GRANTS PLTFS mot for time to 5/08/00 to resp to mot to dism; cm WGH eod 03/29/00 [TMD]

04/12/2000 14 NOTICE ASSIGNS P/T to 06/01/00 at 04:30PM Room 328 (WGH) c/m cmp eod 04/13/00 [FBG]

04/28/2000 15 MOTION TO DISMISS c/s - deft Anita Henson joins mot to dismiss filed 03/23/00, also joins brief in support of mot to dismiss filed 03/23/00 eod 05/01/00 [VS]

04/28/2000 16 APPEARANCE of Craig Mckee for deft Anita Henson, c/s eod 05/01/00 [VS]

05/02/2000 17 RESPONSE in opposition to defts Ennen and Harris' mot to dismiss, c/s - pltf's eod 05/02/00 [VS]

05/02/2000 18 WAIVER OF SERVICE OF SUMMONS SERVED ON AND RET'D BY Anita Hemson on 04/24/00 eod 05/02/00 [VS]

05/03/2000 19 APPEARANCE of Caren L. Pollack for deft Michael Keller, Robert L. Deal, and City of Terre Haute, c/s eod 05/03/00 [VS]

05/05/2000 20 REPLY BRIEF in support of mot to dismiss, c/s - defts Harris, Ennen, Henson eod 05/08/00 [VS]

05/11/2000 21 ANSWER to complaint and = eod 05/11/00 [VS]

05/11/2000 = AFFIRMATIVE DEFENSE c/s - defts Rory A. Gentry, Michael Keller, Robert L. Deal and city of Terre Haute eod 05/11/00 [VS]

05/11/2000 22 APPEARANCE of Caren L. Pollack for deft Rory A. Gentry, c/s eod 05/11/00 [VS]

05/11/2000 23 DEMAND FOR JURY TRIAL c/s - deft Rory A. Gentry, Michael Keller, robert L. Deal and City of Terre Haute eod 05/11/00 [VS]

05/17/2000 24 WAIVER OF SERVICE OF SUMMONS SERVED ON AND RET'D BY Rory Gentry on 05/09/00 eod 05/17/00 [VS]

06/07/2000 25 CASE MANAGEMENT PLAN TENDERED BY parties - WGH eod 06/07/00 [SMD]

06/07/2000 26 CMP APPROVED (25); eod 06/08/00 [SMD]

06/07/2000 = ORDER VACATES P/T of 06/01/00 at 4:30PM Room 328 (WGH) c/m eod 06/08/00 [SMD]

06/07/2000 = ORDER ASSIGNS CONF (TELEPHONIC) to 12/20/00 at 10:00AM Room 328 (WGH) c/m (Status Conf) eod 06/08/00 [SMD]

06/07/2000 = ORDER ASSIGNS JURY TRIAL to 05/14/01 at 09:00AM Room 215 (JDT) c/m eod 06/08/00 [SMD]

09/25/2000 27 WITNESS LIST (preliminary) and = eod 09/25/00 [VS]

09/25/2000 = EXHIBIT LISTS (preliminary), c/s - deft William R. Harris Lt. Jeffrey Ennen, and Anita Henson eod 09/25/00 [VS]

09/29/2000 28 WITNESS LIST (preliminary) and = eod 09/29/00 [VS]

09/29/2000 = EXHIBIT LIST (preliminary), c/s - pltf's eod 09/29/00 [VS]

10/02/2000 29 WITNESS LIST (preliminary) and = eod 10/02/00 [VS]

10/02/2000 = EXHIBIT LIST (preliminary), c/s - defts Gentry, Ieller, Deal, City of Terre Haute eod 10/02/00 [VS]

10/17/2000 30 MOTION FOR TIME TO file response to req for admissions, c/s - defts Harris Ennen & Doe eod 10/17/00 [SKL]

10/20/2000 31 OBJECTION (VERIFIED) deft's mot for time w/i which to file response to request for admissions, mot to strike and mot to deem matters admitted, c/s - pltf's eod 10/20/00 [VS]

10/20/2000 32 BRIEF in support of pltf's verified objection deft's mot for time w/i which to file response to request for admissions, mot to strike and mot to deem matters admitted, c/s - pltf's eod 10/20/00 [VS]

10/20/2000 33 RESPONSE of defts Harris, Ennen, and Henson to pltf's objection to extension of time to file response to request for admission and request to deem matters admitted, c/s - defts eod 10/20/00 [VS]

11/02/2000 34 ORDER GRANTS defts Harris, Ennen & Henson's mo for time to 11/22/00 to resp to req for admissions (30) cm WGH eod 11/03/00 [SMD]

11/06/2000 35 ENTRY addressing mot to dismiss; defts Harris, Ennen and Henson's mot to dismiss DENIED. JDT c/m eod 11/06/00 [SKL]

11/09/2000 36 OBJECTION to magistrate's order granting defts' mot for time w/i which to file response to request for admissions, mot to strike, and mot to deem matters admitted, w/ exhibit 1, c/s - pltf's eod 11/09/00 [VS]

12/20/2000 37 NOTICE OF CHANGE of address - 1850 Market Sq Cntr, c/s - deft eod 12/20/00 [VS]

12/20/2000 38 ORDER on conf held 12/20/00; eod 12/21/00 [SMD]

12/20/2000 = ORDER ASSIGNS CONF to 01/04/01 at 02:00PM Room TH (WGH) c/m (Settle Conf) eod 12/21/00 [SMD]

12/20/2000 = ORDER VACATES JURY TRIAL of 05/14/01 at 09:00AM Room 215 (JDT) c/m eod 12/21/00 [SMD]

12/20/2000 = ORDER ASSIGNS JURY TRIAL to 08/27/01 at 08:30AM Room 210 (WGH) c/m (If consents filed by 5/1/01) eod 12/21/00 [SMD]

12/20/2000 = ORDER ASSIGNS JURY TRIAL to 08/13/01 at 09:00AM Room 210 (JDT) c/m eod 12/21/00 [SMD]

01/05/2001 39 ORDER on conf held 1/4/01; eod 01/05/01 [SMD]

01/05/2001 = ORDER ASSIGNS CONF to 05/02/01 at 01:00PM Room 210 (WGH) c/m (Settle Conf) eod 01/05/01 [SMD]

01/09/2001 40 ANSWER to complaint and = eod 01/09/01 [VS]

01/09/2001 = AFFIRMATIVE DEFENSE and = eod 01/09/01 [VS]

01/09/2001 = DEMAND FOR JURY TRIAL c/s - defts Anita Henson, William Harris, Jeffrey Ennen eod

01/09/01 [VS]

05/01/2001 41 ENTRY - CONF set on 5/2/01 at 1:00 PM is RESET for 2:00 PM Rm 210 (no c/m) WGH eod 05/01/01 [SMD]

05/01/2001 42 NOTICE VACATES CONF of 05/02/01 at 1:00PM Room 210 (WGH) c/m eod 05/02/01 [TMD]

05/01/2001 = NOTICE REASSIGNS CONF to 05/09/01 at 10:30AM Room 210 (WGH) c/m eod 05/02/01 [TMD]

05/14/2001 43 MOTION FOR TIME TO file mot for s/j, c/s - defts Henson, Harris, Ennen eod 05/14/01 [VS]

05/16/2001 44 ORDER GRANTS DEFTS Henson, Harris and Ennen's mot for time to 6/29/01 to file mot for s/j; cm WGH eod 05/16/01 [TMD]

05/18/2001 45 ORDER on settle conf held 5/9/01; eod 05/21/01 [SMD]

05/18/2001 = ORDER VACATES JURY TRIAL of 08/13/01 at 09:00AM Room 210 (JDT) c/m eod 05/21/01 [SMD]

05/18/2001 = ORDER VACATES JURY TRIAL of 08/27/01 at 08:30AM Room 210 (WGH) c/m eod 05/21/01 [SMD]

05/18/2001 = ORDER pltfs' cnsl to notify Mag Judge by 6/1/01 if she will make an amended settlement offer to Vigo County defts; eod 05/21/01 [SMD]

05/18/2001 = ORDER ASSIGNS CONF (TELEPHONIC) to 08/22/01 at 03:30PM Room 328 (WGH) c/m (Status Conf) eod 05/21/01 [SMD]

06/25/2001 46 ORDER on atty tele conf held 6/22/01; eod 06/26/01 [SMD]

06/25/2001 = ORDER VACATES CONF (TELEPHONIC) of 08/22/01 at 3:30PM Room 328 (WGH) c/m eod 06/26/01 [SMD]

06/26/2001 47 MOTION FOR TIME TO file pet for atty's fees and costs under 42 U.S.C.1988, c/s - pltfs eod 06/26/01 [VS]

06/28/2001 48 ORDER GRANTS PLTFS Mot for time to 7/06/01 to file pet for atty's fees and costs; Deft's to file resp by 8/06/01 and reply by Pltf by 8/21/01; cm WGH eod 06/28/01 [TMD]

07/06/2001 49 MEMORANDUM in support of petition for award of attorneys fees, expenses and costs -cs PLTFS eod 07/09/01 [EAH]

07/17/2001 50 MOTION FOR TIME TO respond to pltf's fee petition, c/s - defts eod 07/17/01 [VS]

07/20/2001 51 ORDER GRANTS DEFTS Gentry, Keller, Deal and Terre Haute's Mot for Time to 8/13/01 to resp to fee petition; cm WGH eod 07/20/01 [TMD]

07/26/2001 52 STIPULATION of facts, w/exhibits a-c - parties eod 07/26/01 [VS]

07/30/2001 53 MOTION FOR S/J c/s - defts Henson, Harris & Ennen eod 07/30/01 [SKL]

07/30/2001 54 BRIEF in support of mot for s/j, c/s - defts Henson, Harris & Ennen eod 07/30/01 [SKL]

07/30/2001 55 MOTION FOR S/J c/s - pltfs eod 08/01/01 [VS]

07/30/2001 56 STATEMENT OF MATERIAL FACTS, c/s - pltfs eod 08/01/01 [VS]

07/30/2001 57 BRIEF in support of mot for s/j, c/s - pltfs eod 08/01/01 [VS]

08/13/2001 58 RESPONSE to pltf's pet for award of atty's fees, expenses and costs, c/s -deft City of TH eod 08/13/01 [VS]

08/23/2001 59 REPLY BRIEF in opposition to deft's mot for s/j, c/s - pltfs eod 08/23/01 [VS]

08/23/2001 60 MOTION TO STRIKE c/s - pltfs eod 08/23/01 [VS]

08/29/2001 61 RESPONSE in opp to pltfs' mot for s/j, c/s - defts Harris, Ennen & Henson eod 08/30/01 [SKL]

10/04/2001 62 NOTICE ASSIGNS CONF (TELEPHONIC) to 01/11/02 at 11:00AM Room 328 (WGH) c/m eod 10/04/01 [TMD]

10/19/2001 63 NOTICE OF FILING of additional authority in support of pltfs' mot for s/j w/attahment, c/s - pltfs eod 10/19/01 [VS]

10/23/2001 64 RESPONSE to pltfs' submission of addl authority, c/s - defts Harris Ennen & Henson eod 10/23/01 [SKL]

11/02/2001 65 MOTION FOR LEAVE TO serve notice of production and subpoena duces tecum, c/s - pltfs eod 11/02/01 [SKL]

11/16/2001 66 ORDER GRANTS pltfs mot for lv to serve notice of production and subpoena duces tecum; cm WGH eod 11/16/01 [TMD]

01/11/2002 67 ORDER on conf held 1/11/02; eod 01/15/02 [SMD]

01/11/2002 = ORDER ASSIGNS CONF to 02/25/02 at 09:00AM Room 210 (WGH) c/m eod 01/15/02 [SMD]

01/28/2002 68 NOTICE OF CHANGE of firm name and address, c/s - defts Gentry, Keller, Deal, and City of Terre Haute eod 01/28/02 [VS]

03/06/2002 69 ORDER REFERRING summary judgment motions and attorney fee petition to Magistrate Judge Hussmann -cm JDT eod 03/06/02 [EAH]

03/07/2002 70 ORDER on p/t conf held 2/25/02; eod 03/18/02 [TMD]

03/07/2002 = ORDER ASSIGNS CONF (TELEPHONIC) to 05/17/02 at 09:00AM Room 328 (WGH) c/m eod 03/18/02 [TMD]

03/18/2002 71 ORDER on conf held 2/25/02; eod 03/18/02 [SMD]

03/18/2002 = ORDER ASSIGNS JURY TRIAL to 08/12/02 at 08:30AM Room 215 (JDT) c/m eod 03/18/02 [SMD]

03/18/2002 = ORDER ASSIGNS CONF to 07/25/02 at 09:00AM Room 210 (WGH) c/m (Final PTC) eod 03/18/02 [SMD]

03/22/2002 72 REPORT AND RECOMMENDATION on Cross-Motions for S/J - SEE ENTRY; cm WGH eod 03/22/02 [TMD]

03/22/2002 73 REPORT AND RECOMMENDATION of the Magistrate on Pltf's Petition for Award of Attorney's Fees, Expenses, and Costs; cm WGH eod 03/25/02 [TMD]

04/04/2002 74 OBJECTION to Magistrate Judge's report on cross-motion for s/j, c/s - pltfs eod 04/08/02 [VS]

05/14/2002 75 ENTRY VACATES CONF (TELEPHONIC) of 05/17/02 at 09:00AM Room 328 (WGH) c/m (no cm) eod 05/14/02 [TMD]

05/14/2002 = ENTRY REASSIGNS CONF (TELEPHONIC) to 05/24/02 at 10:30AM Room 328 (WGH) c/m (no cm) eod 05/14/02 [TMD]

05/28/2002 76 ORDER on PTC held 5/24/02; eod 05/29/02 [SMD]

05/28/2002 = ORDER ASSIGNS CONF (TELEPHONIC) to 06/26/02 at 04:00PM Room 328 (WGH) c/m (Status Conf) eod 05/29/02 [SMD]

06/05/2002 77 ENTRY DENYING pltfs' objection to Magistrate Judge's report and recommendation on cross-motions for summary judgment - Motions for summary judgment filed 4/4/02 are OVERRULED. Defts' motion for summary judgment will be GRANTED and pltfs' motion for summary judgment will be DENIED (see entry) -cm JDT eod 06/05/02 [EAH]

06/05/2002 78 ENTRY REVIEWING the Magistrate's report and recommendation on the pltfs' petition for award of attorney's fees, expenses and costs - The court ADOPTS the Magistrate's report and recommendation and GRANTS in PART pltfs' petition in the amount of \$15,677.30. -cm JDT eod 06/05/02 [EAH]

06/05/2002 79 CLOSED Judgment - Pltfs' claims against all defts are DISMISSED with PREJUDICE and pltfs are AWARDED \$15,677.30 as attorney's fees, expenses and costs as against defts Gentry, Keller, deal and the City of Terre Haute. Costs are awarded to defts Henson, Harris and Ennen and against the pltfs. -cm JDT OBV 79 PG 83 eod 06/05/02 [EAH]

07/08/2002 80 NOTICE OF APPEAL c/s - pltfs eod 07/10/02 [VS]

07/08/2002 81 APPELLANTS' CERTIFICATE THAT NOT TRANSCRIPT WILL BE ORDERED, c/s - pltfs eod 07/10/02 [VS]

07/08/2002 82 APPEAL FEES PAID RECEIPT # 25 (\$105) eod 07/10/02 [VS]

07/10/2002 83 SHORT RECORD SENT TO CA w Notice, Info Sheet & Docket Sheet to parties eod 07/10/02 [VS]

07/08/2002 84 SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET eod 07/10/02 [VS]

07/12/2002 85 MOTION TO STRIKE plaintiff's notice of appeal, c/s - defts Harris, Ennen, and Henson eod 07/12/02 [VS]

07/16/2002 86 MOTION FOR TIME TO file notice of appeal and response to deft's motion to strike -cs PLTFS eod 07/16/02 [EAH]

07/18/2002 87 ACK FROM CA SHORT RECORD received & assigned CA # 02-2806 eod 07/19/02 [VS]

07/19/2002 88 ENTRY discussing plaintiffs' motion for enlargement of time and defendants' motion to strike; defendants' motion to strike the notice of appeal filed on 07/08/02 DENIED; plaintiffs' verified motion for extension of time to file notice of appeal GRANTED; plaintiffs shall have 30 days from 07/07/02 in which to file notice appeal, and if notice is filed appeal will be deemed timely under extension of time permitted by Rule 4(a)(5) and found warranted for reasons explained in paragraph 2 of this entry. JDT c/m eod 07/23/02 [VS]

08/06/2002 89 NOTICE OF APPEAL c/s - pltfs eod 08/09/02 [VS]

08/06/2002 90 DOCKETING STATEMENT c/s - pltfs eod 08/09/02 [VS]

08/06/2002 91 DESIGNATION OF RECORD c/s - pltfs eod 08/09/02 [VS]

08/09/2002 92 SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET eod 08/09/02 [VS]

08/09/2002 93 SHORT RECORD SENT TO CA w Notice, Info Sheet & Docket Sheet TO PARTIES eod 08/09/02 [VS]

08/06/2002 94 APPEAL FEES PAID RECEIPT # 206 eod 08/09/02 [VS]

08/15/2002 95 ACK FROM CA SHORT RECORD received & assigned CA # 02-3072 eod 08/15/02 [VS]

08/26/2002 96 SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET returned eod 08/27/02 [VS]

09/03/2002 97 MANDATE RECEIVED FROM CA. dated 08/29/02; ORDERED motion to dismiss is GRANTED, and this appeal is DISMISSED pursuant to Fed.R.App.P.42(b); FURTHERED ORDERED all items to be included on record on appeal be filed in Appeal No. 02-2806. eod 09/03/02 [NKD]

01/21/2003 98 RECEIVED NOTICE FROM CA TO TRANSMIT RECORD eod 01/21/03 [NKD]

01/21/2003 99 LONG RECORD SENT TO CA consisting of 2 vol pleadings; transmittal letter and docket entries to parties eod 01/21/03 [NKD]

01/27/2003 100 ACK FROM CA LONG RECORD RECEIVED on 01/23/03; 2 vol pleadings eod 01/27/03 [VS]

08/21/2003 101 MANDATE RECEIVED FROM CA. dated 07/28/03; judgment of District Court is AFFIRMED, with costs; Record to be returned at a later date. eod 08/21/03 [NKD]

09/05/2003 102 NOTICE of record return form Court of Appeals; 2 vol pleadings eod 09/05/03 [VS]