

CASREF,CLASS,TERMED

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:07-cv-00010-JVB-RBC**

Tyson v. Grant County Sheriff et al
Assigned to: Judge Joseph S Van Bokkelen
Referred to: Magistrate Judge Roger B Cosby
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/19/2007
Date Terminated: 01/04/2013
Jury Demand: None
Nature of Suit: 555 Prison Conditions
Jurisdiction: Federal Question

Plaintiff

Richard Tyson
*on his own behalf and on behalf of a class
of those similarly situated*

represented by **Kenneth J Falk**
ACLU of Indiana
1031 E Washington St
Indianapolis, IN 46202
317-635-4059 Ext 104
Fax: 317-635-4105
Email: kfalk@aclu-in.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Grant County Sheriff
in his official capacity

represented by **G Jayson Marksberry**
Stephenson Morow & Semler
8710 North Meridian St Suite 200
Indianapolis, IN 46260
317-844-3830
Fax: 317-573-4194
TERMINATED: 08/24/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R Morow
Stephenson Morow & Semler
3077 East 98th St Suite 240
Indianapolis, IN 46280
317-844-3830
Fax: 317-573-4194
Email: mmorow@stephlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Grant County Commissioners
in thier official capacities

represented by **G Jayson Marksberry**
(See above for address)
TERMINATED: 08/24/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R Morow
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Movant

Lloyd Brown, Jr

represented by **Lloyd Brown, Jr**
 5146
 Grant County Jail
 214 E 4th Street
 Marion, IN 46953
 PRO SE

Date Filed	#	Docket Text
01/19/2007	<u>1</u>	COMPLAINT/CLASS ACTION against all defendants (Filing fee \$ 350.) Receipt #153846, filed by Richarh Tyson. (Attachments: # <u>1</u> Civil Cover Sheet)(lrm) (Entered: 01/22/2007)
01/19/2007	<u>2</u>	Summons Issued as to Grant County Sheriff, Grant County Commissioners. (lrm) (Entered: 01/22/2007)
01/22/2007	<u>3</u>	MOTION to Certify Class by Plaintiff Richarh Tyson.Response to be filed by 2/9/2007 (Falk, Kenneth) (Entered: 01/22/2007)
01/22/2007	<u>4</u>	MEMORANDUM in Support of <u>3</u> MOTION to Certify Class filed by Richarh Tyson. (Falk, Kenneth) (Entered: 01/22/2007)
01/25/2007	<u>5</u>	SUMMONS Returned Executed by Richarh Tyson. Grant County Commissioners served on 1/23/2007, answer due 2/12/2007. (Falk, Kenneth) (Entered: 01/25/2007)
01/25/2007	<u>6</u>	SUMMONS Returned Executed by Richarh Tyson. Grant County Sheriff served on 1/23/2007, answer due 2/12/2007. (Falk, Kenneth) (Entered: 01/25/2007)
02/08/2007	<u>7</u>	NOTICE of Appearance by Michael R Morow on behalf of Grant County Sheriff, Grant County Commissioners (Morow, Michael) (Entered: 02/08/2007)
02/08/2007	<u>8</u>	NOTICE by Grant County Sheriff, Grant County Commissioners re <u>1</u> Complaint <i>OF AGREEMENT OF INITIAL ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT AND RESPOND TO MOTION FOR CLASS CERTIFICATION THROUGH MARCH 14, 2007</i> (Morow, Michael) (Entered: 02/08/2007)
02/08/2007	<u>9</u>	NOTICE of Hearing: Rule 16 Preliminary Pretrial Conference set for 3/28/2007 10:00 AM in Fort Wayne before Magistrate Judge Roger B Cosby. (wsy) (Entered: 02/08/2007)
02/08/2007	<u>10</u>	MAGISTRATE JUDGE CONSENT FORMS sent to all parties (Standard Track). (wsy) (Entered: 02/08/2007)
02/09/2007	<u>11</u>	MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION to Certify Class (<i>AGREED</i>) by Defendants Grant County Sheriff, Grant County Commissioners. (Morow, Michael) (Entered: 02/09/2007)
02/12/2007	<u>12</u>	ORDER granting <u>11</u> Agreed Motion for Extension of Time to File Response to Pltf's motion for class certification by Defts Grant County Sheriff, Grant County Commissioners. Response to be filed by 3/14/2007. Signed by Judge Roger B Cosby on 2/12/2007. (lms) (Entered: 02/12/2007)
03/07/2007	<u>13</u>	REPORT of Rule 26(f) Planning Meeting. (Falk, Kenneth) (Entered: 03/07/2007)
03/07/2007	<u>15</u>	Letter from Lloyd Brown Jr re letter sent to atty Kenneth Falk. (lms) (Entered: 03/13/2007)
03/08/2007	<u>14</u>	NOTICE of Appearance by G Jayson Marksberry on behalf of Grant County Sheriff, Grant County Commissioners (Marksberry, G) (Entered: 03/08/2007)
03/14/2007	<u>16</u>	ANSWER to Complaint (<i>and Affirmative Defenses</i>) by Grant County Sheriff, Grant County Commissioners.(Morow, Michael) (Entered: 03/14/2007)
03/14/2007	<u>17</u>	MOTION to Dismiss <i>Supplemental State Law Claims</i> by Defendants Grant County Sheriff, Grant County Commissioners.Response to be filed by 3/29/2007 (Morow, Michael) (Entered: 03/14/2007)
03/14/2007	<u>18</u>	MEMORANDUM in Support of <u>17</u> MOTION to Dismiss <i>Supplemental State Law Claims</i> filed by Grant County Sheriff, Grant County Commissioners. (Morow,

		Michael) (Entered: 03/14/2007)
03/14/2007	<u>19</u>	MEMORANDUM in Opposition to <u>3</u> MOTION to Certify Class filed by Grant County Sheriff, Grant County Commissioners. (Morow, Michael) (Entered: 03/14/2007)
03/21/2007	<u>20</u>	NOTICE by Richarh Tyson of <i>Service of Initial Disclosures</i> (Falk, Kenneth) (Entered: 03/21/2007)
03/27/2007	<u>21</u>	RESPONSE in Support re <u>3</u> MOTION to Certify Class filed by Richarh Tyson. (Falk, Kenneth) (Entered: 03/27/2007)
03/27/2007	<u>23</u>	Petition for Temporary Injunction by Movant Lloyd Brown Jr. (Ins) (Entered: 03/28/2007)
03/28/2007	22	RULE 16 PRELIMINARY PRETRIAL CONFERENCE held on 3/28/2007 before Judge Roger B Cosby. Pla appeared by atty K. Falk. Dft appeared by atty M. Morow. The Report of Parties Planning Meeting <u>13</u> is approved in all respects (except for the deadline for dispositive motions and the establishment of a trial date) and is hereby made an order of the Court. Following the close of discovery, and unless otherwise ordered by the Court, the assigned District Judge will establish all further deadlines and dates. Discovery deadline is 2/7/2008. (Tape #106) (wsy) (Entered: 03/28/2007)
03/28/2007	<u>24</u>	ORDER DENYING <u>23</u> Motion for Temporary Injunction by Movant Lloyd Brown Jr. Signed by Judge Rudy Lozano on 3/28/2007. (Ins) (Entered: 03/29/2007)
04/02/2007	<u>25</u>	MEMORANDUM in Opposition to <u>17</u> MOTION to Dismiss <i>Supplemental State Law Claims</i> filed by Richarh Tyson. (Falk, Kenneth) (Entered: 04/02/2007)
04/09/2007	<u>26</u>	REPLY to Response to Motion re <u>17</u> MOTION to Dismiss <i>Supplemental State Law Claims</i> filed by Grant County Sheriff, Grant County Commissioners. (Morow, Michael) (Entered: 04/09/2007)
05/09/2007	<u>27</u>	OPINION AND ORDER GRANTING <u>3</u> Motion to Certify Class by Pltf Richarh Tyson. A class consisting of "any and all persons currently confined, or who will in the future be confined, in the Grant County Jail," is CERTIFIED; GRANTING <u>17</u> Motion to Dismiss Supplemental State Law Claims by Defendants Grant County Sheriff, Grant County Commissioners. Clerk ORDERED to DISMISS WITH PREJUDICE Pltf's state law claims. Pltf's Constitutional claims REMAIN PENDING. Signed by Judge Rudy Lozano on 5/9/2007. (Ins) (Entered: 05/10/2007)
05/18/2007	<u>28</u>	Mail Returned from Movant Lloyd Brown Jr as Undeliverable – <u>27</u> Order on Motion to Certify Class, Order on Motion to Dismiss. Envelope marked "Return to Sender, no longer an inmate at the Grant County Jail." (Ins) (Entered: 05/21/2007)
07/27/2007	<u>29</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Joseph S Van Bokkelen for all further proceedings. Judge Rudy Lozano no longer assigned to case. This order does not change the assignment of Magistrate Judge or any previously scheduled ddls, hrgs or trial dates. Signed by Judge Robert L Miller Jr on 7/27/2007. (Ins) (Entered: 07/27/2007)
08/06/2007	<u>30</u>	Mail Returned from Movant Lloyd Brown Jr as Undeliverable – <u>29</u> Order Reassigning Case. (Ins) (Entered: 08/07/2007)
08/24/2007	<u>31</u>	MOTION to Withdraw as Attorney by Defendants Grant County Sheriff, Grant County Commissioners. (Marksberry, G) (Entered: 08/24/2007)
08/24/2007	<u>32</u>	ORDER GRANTING <u>31</u> Motion to Withdraw as Attorney by Defpts Grant County Sheriff, Grant County Commissioners. Attorney G Jayson Marksberry terminated. Signed by Judge Roger B Cosby on 8/24/2007. (Ins) (Entered: 08/24/2007)
09/07/2007	<u>33</u>	Mail Returned from Movant Lloyd Brown Jr as Undeliverable – <u>32</u> Order on Motion to Withdraw as Attorney. Envelope marked "Return to Sender, No Longer at Inmate at the Grant County Jail." (Ins) (Entered: 09/07/2007)
10/29/2007	<u>34</u>	MOTION Extend Discovery Deadline by Plaintiff Richarh Tyson. (Falk, Kenneth) (Entered: 10/29/2007)

10/29/2007	<u>35</u>	ORDER GRANTING <u>34</u> Motion to Extend Discovery Deadline by Plaintiff Richarh Tyson. Discovery deadline is 5/8/2008. Signed by Judge Roger B Cosby on 10/29/2007. (lms) (Entered: 10/29/2007)
01/04/2008	<u>36</u>	MOTION 3/7/08 (<i>extend deadline to name experts and file reports</i>) by Defendants Grant County Sheriff, Grant County Commissioners. (Morow, Michael) (Entered: 01/04/2008)
01/07/2008	<u>37</u>	ORDER GRANTING <u>36</u> Motion to Extend Deadline to File Expert Reports to/incl 3/7/08 by Defts Grant County Sheriff, Grant County Commissioners. Signed by Judge Roger B Cosby on 1/7/2008. (lms) (Entered: 01/07/2008)
03/20/2008	<u>38</u>	STIPULATION of Parties to Enter into Private Settlement Agreement After Plaintiffs' Counsel Gives Notice to the Class / Motion to Approve Form and Manner of Notice by Plaintiff Richarh Tyson. (Attachments: # <u>1</u> Proposed class notice)(Falk, Kenneth) (Entered: 03/20/2008)
03/25/2008	<u>39</u>	ORDER approving <u>38</u> Stipulation of Parties to Enter into Private Settlement Agreement After Plaintiffs' Counsel Gives Notice to the Class / Motion to Approve Form and Manner of Notice by Plaintiff Richarh Tyson. The form of notice attached to the Private Settlement Agreement is APPROVED. Notice shall be given to class members as outlined in this Order; Pltfs' cnsl shall file report w/Court w/in time period specified. Signed by Magistrate Judge Roger B Cosby on 3/25/2008. (lms) (Entered: 03/25/2008)
05/27/2008	<u>40</u>	REPORT by Richarh Tyson of <i>Class Counsel Following Notice to the Class</i> . (Attachments: # <u>1</u> Comment—R. Tyson)(Falk, Kenneth) (Entered: 05/27/2008)
05/27/2008	<u>41</u>	MOTION Set Case for Fairness Hearing by Plaintiff Richarh Tyson. (Falk, Kenneth) (Entered: 05/27/2008)
07/01/2008	<u>42</u>	REPORT by Richarh Tyson of <i>Class Counsel Following Notice to the Class (Supplemental)</i> . (Attachments: # <u>1</u> Class member comment)(Falk, Kenneth) (Entered: 07/01/2008)
07/28/2008	43	NOTICE of Hearing: regarding <u>41</u> MOTION Set Case for Fairness Hearing :(Motion Hearing set for 7/30/2008 02:00 PM (CST)in Hammond before Judge Joseph S Van Bokkelen.) (imr) (Entered: 07/28/2008)
07/30/2008	44	Fairness Hrg Regarding Proposed Order of Settlement held on 7/30/2008 before Judge Joseph S Van Bokkelen. Pla appeared by atty Kenneth J Falk. Dft appeared by atty Michael R Morow. Plf summarizes proposed conditions of settlement. Deft is in agreement with proposal. Parties ask that this case not be dismissed until 12/31/12. Court taking proposed join settlement agreement under advisement. (Court Reporter Julie Churchill—Mickley.) (imr) Modified on 7/30/2008 (imr). (Entered: 07/30/2008)
07/30/2008	<u>45</u>	ORDER APPROVING settlement of this case. Pursuant to Private Settlnent Agreement, case is now listed as inactive on Court's docket and absent an Order from this Court or a subsequent written agreement by partes, this case will be dismissed on 12/31/12 w/o further ntc. Signed by Judge Joseph S Van Bokkelen on 7/30/2008. (lms) (Entered: 07/31/2008)
08/11/2008	<u>46</u>	Mail Returned from Lloyd Brown as Undeliverable – <u>45</u> Order. Envelope marked "Return to Sender, No Longer an Inmate at the Grant County Jail." (lms) (Entered: 08/12/2008)
01/26/2009	<u>47</u>	NOTICE by Richarh Tyson to the Court Concerning Joint Status Report (Falk, Kenneth) (Entered: 01/26/2009)
02/26/2009	<u>48</u>	STATUS REPORT (<i>Joint</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 02/26/2009)
07/28/2009	<u>49</u>	NOTICE by Richarh Tyson Concerning Joint Status Report Currently Due on July 30, 2009 (Falk, Kenneth) (Entered: 07/28/2009)
08/31/2009	<u>50</u>	STATUS REPORT (<i>JOINT</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 08/31/2009)

01/29/2010	<u>51</u>	NOTICE by Richarh Tyson <i>Concerning Joint Status Report Currently Due on February 1, 2010</i> (Falk, Kenneth) (Entered: 01/29/2010)
02/18/2010	<u>52</u>	STATUS REPORT (<i>JOINT</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 02/18/2010)
07/27/2010	<u>53</u>	NOTICE by Richarh Tyson <i>Filing of Joint Status Report</i> (Falk, Kenneth) (Entered: 07/27/2010)
01/28/2011	<u>54</u>	STATUS REPORT (<i>JOINT</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 01/28/2011)
08/05/2011	<u>55</u>	STATUS REPORT (<i>JOINT</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 08/05/2011)
01/25/2012	<u>56</u>	STATUS REPORT (<i>JOINT</i>) by Richarh Tyson. (Falk, Kenneth) (Entered: 01/25/2012)
07/30/2012	<u>57</u>	STATUS REPORT (<i>JOINT</i>) by Grant County Commissioners, Grant County Sheriff, Richarh Tyson. (Falk, Kenneth) (Entered: 07/30/2012)
01/04/2013	<u>58</u>	ORDER DISMISSING Case with prejudice, consistent with <u>38</u> Stipulation. Signed by Judge Joseph S Van Bokkelen on 1/4/2013. (Ins) (Entered: 01/07/2013)
01/11/2013	<u>59</u>	Mail Returned from Lloyd Brown as Undeliverable – <u>58</u> Order. Envelope marked "No Longer Here; Return to Sender." (Ins) (Entered: 01/15/2013)