

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:17-cv-00124-TLS**

Buroff et al v. Gladieux
Assigned to: Chief Judge Theresa L Springmann
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/27/2017
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Mediator

C Erik Chickedantz

Plaintiff

Demetrius Buroff

*individually and on behalf of all others
similarly situated
TERMINATED: 11/14/2017*

represented by **Christopher C Myers**
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TERMINATED: 11/14/2017

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TERMINATED: 11/14/2017

Plaintiff

Ian Barnhart

*individually and on behalf of all others
similarly situated*

represented by **Christopher C Myers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David W Frank

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

V.

Defendant

David Gladieux

in his official capacity

represented by **J Spencer Feighner**
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John O Feighner

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Date Filed	#	Docket Text
03/27/2017	<u>1</u>	CLASS ACTION COMPLAINT with JURY DEMAND against David Gladieux, filed by Demetrius Buroff. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons 285)(Frank, David) Modified on 4/10/2017 to correct title (lns). (Entered: 03/27/2017)
03/27/2017		Judge Jon E DeGuilio and Magistrate Judge Susan L Collins added. *NEW CASE* (jss) (Entered: 03/28/2017)
03/28/2017	<u>2</u>	MOTION to Certify Class by Plaintiff Demetrius Buroff. (Frank, David) (Entered: 03/28/2017)
03/28/2017	<u>3</u>	MOTION for Leave to Proceed in forma pauperis accompanied by 1 copies of summons forms and 1 copies of USM-285 forms by Plaintiff Demetrius Buroff. (Frank, David) (Entered: 03/28/2017)
03/28/2017	<u>4</u>	INCOMPLETE PDF ATTACHED. THIS DOCKET ENTRY IS REPLACED BY DOCKET ENTRY #6. MOTION for Discovery <i>Early</i> by Plaintiff Demetrius Buroff. (Frank, David) Modified on 4/12/2017 (lns). (Entered: 03/28/2017)
03/28/2017	<u>5</u>	NOTICE of Appearance by Christopher C Myers on behalf of Demetrius Buroff (Myers, Christopher) (Entered: 03/28/2017)
04/12/2017	<u>6</u>	MOTION for Discovery <i>Early</i> by Plaintiff Demetrius Buroff. (Attachments: # <u>1</u> Exhibit Exhibit A (Interrogatories))(Frank, David) Modified on 4/12/2017 – this docket entry REPLACES docket entry #4 (lns). (Entered: 04/12/2017)
04/24/2017	<u>7</u>	ORDER GRANTS <u>3</u> Motion for Leave to Proceed in forma pauperis; DEFERS payment of the filing fee; ORDERS the plaintiff to pay the \$400.00 filing fee from the proceeds of any recovery that is received in this case; and DIRECTS, pursuant to 28 U.S.C. § 1915(d), the United States Marshals Service to effect service of process on the defendant. Signed by Judge Jon E DeGuilio on 4/24/2017. (cc: USMS) (lhc) (Entered: 04/25/2017)
04/25/2017	<u>8</u>	Summons Issued as to David Gladieux. NOTE: The attached document is accessible by court personnel only. Summons forms that were electronically submitted to the court for issuance will be returned to counsel via e-mail. (cc: USMS) (lhc) (Entered: 04/25/2017)
05/01/2017	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Theresa L Springmann for all further proceedings. Judge Jon E DeGuilio no longer assigned to case. Magistrate Consent forms due by 5/22/2017. Signed by Chief Judge Theresa L Springmann on 5/1/2017. (rmc) (Entered: 05/01/2017)
05/10/2017	<u>10</u>	SUMMONS Returned Executed by USMS obo Demetrius Buroff. David Gladieux served on 5/3/2017, answer due 5/24/2017. (lhc) (Entered: 05/10/2017)
05/23/2017	<u>11</u>	First MOTION to Amend/Correct <u>2</u> MOTION to Certify Class , <u>1</u> Complaint by Plaintiff Demetrius Buroff. (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Exhibit Amended Motion)(Frank, David) (Entered: 05/23/2017)
05/25/2017	<u>12</u>	NOTICE of Appearance by J Spencer Feighner on behalf of David Gladieux (Feighner, J) (Entered: 05/25/2017)
05/25/2017	<u>13</u>	NOTICE of Appearance by John O Feighner on behalf of David Gladieux (Feighner, John) (Entered: 05/25/2017)
05/25/2017	<u>14</u>	NOTICE of Hearing: Hearing on Pla's <u>6</u> Motion for Early Discovery and Rule 16 Preliminary Pretrial Conference set for 6/6/2017 at 9:00 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Counsel to appear in person.(mr) (Entered: 05/25/2017)

05/25/2017	<u>15</u>	MAGISTRATE JUDGE CONSENT FORMS sent to all parties (Standard Track).. (mr) (Entered: 05/25/2017)
05/30/2017	<u>16</u>	REPORT of Rule 26(f) Planning Meeting. (Frank, David) (Entered: 05/30/2017)
06/06/2017	<u>17</u>	RULE 16 PRELIMINARY PRETRIAL CONFERENCE held on 6/6/2017 before Magistrate Judge Susan Collins. Pla appeared by Atty David Frank. Dft appeared by Atty Spencer Feighner. Pla's unopposed <u>6</u> Motion for Early Discovery and <u>11</u> Pla's Motion for Leave to File First Amended Class Action Complaint and First Amended Motion for Class Certification is granted. Pla directed to file First Amended Class Action Complaint and Motion to Certify forthwith. The <u>16</u> Report of the Parties Planning Meeting is approved in all respects (except dispositive motions deadline and establishment of a trial date) and is hereby made an ORDER of the Court. The Summary Judgment deadline in Fed.R.Civ.P. 56(b) SHALL NOT control. Any dispositive motion SHALL brief out in accordance with L.R. 56-1. DISCOVERY DEADLINE is 3/24/2018. Following the close of discovery, unless otherwise ordered by the Court, the assigned District Judge will establish all further deadlines and dates. Erik Chickedantz appointed as Mediator. Atty Frank to notify Mediator by letter, copy to Atty Feighner. Results of the Mediation shall be filed with the Court no later than 10 days before the Final Pretrial Conference. Magistrate Consent forms due by 6/27/2017. (FTR 1st floor.) (mr) (Entered: 06/06/2017)
06/06/2017	<u>18</u>	AMENDED COMPLAINT against David Gladieux, filed by Demetrius Buroff.(Frank, David) (Entered: 06/06/2017)
06/06/2017	<u>19</u>	Amended MOTION to Certify Class by Plaintiff Demetrius Buroff. (Frank, David) (Entered: 06/06/2017)
06/20/2017	<u>20</u>	AGREED NOTICE to extend time to file response to <u>19</u> Amended MOTION to Certify Class by Plaintiff Demetrius Buroff; response due by August 21, 2017. (Feighner, J) Modified on 6/20/2017 to correct docket text and regenerated NEF at attorney's request (lhc). (Entered: 06/20/2017)
06/28/2017	<u>21</u>	ANSWER to <u>18</u> Amended Complaint <i>and Affirmative Defenses</i> by David Gladieux.(Feighner, J) (Entered: 06/28/2017)
07/13/2017	<u>22</u>	MOTION for Extension of Time to Amend <i>Pleadings</i> by Plaintiffs Ian Barnhart, Demetrius Buroff. (Frank, David) (Entered: 07/13/2017)
07/14/2017	<u>23</u>	ENTRY for Magistrate Judge Susan Collins: <u>22</u> Pls' Unopposed Motion for Extension of Deadline is granted. Pls granted to and including 8/11/2017 to seek leave to amend pleadings or join additional parties. The Court sua sponte extends Dft's deadline to seek leave to amend the pleadings to 9/11/2017. So Ordered. (mr) (Entered: 07/14/2017)
07/27/2017	<u>24</u>	MOTION to Supplement <u>18</u> Amended Complaint, <u>19</u> Amended MOTION to Certify Class by Plaintiffs Ian Barnhart, Demetrius Buroff. (Attachments: # <u>1</u> Exhibit Def. Admissions, # <u>2</u> Exhibit 11/08/16 ACJ Population, # <u>3</u> Exhibit Election Board Response)(Frank, David) (Entered: 07/27/2017)
07/28/2017	<u>25</u>	ORDER DENYING <u>24</u> MOTION to Supplement <u>18</u> Amended Complaint, <u>19</u> Amended MOTION to Certify Class by Plaintiffs Ian Barnhart, Demetrius Buroff. Signed by Magistrate Judge Susan L Collins on 7/28/2017. (lhc) (Entered: 07/28/2017)
07/31/2017	<u>26</u>	MOTION to Amend/Correct <u>1</u> Complaint by Plaintiffs Ian Barnhart, Demetrius Buroff. (Attachments: # <u>1</u> Exhibit Second Amended Complaint, # <u>2</u> Exhibit Compl. Ex. A – Jail Rules, # <u>3</u> Exhibit Compl. Ex. B – Inmate Petition, # <u>4</u> Exhibit Compl. Ex. C – Def. Admissions, # <u>5</u> Exhibit Compl. Ex. D – 11/08/2016 Jail Population, # <u>6</u> Exhibit Compl. Ex. E – Election Board Response)(Frank, David) (Entered: 07/31/2017)
08/15/2017	<u>27</u>	ORDER: The Court GRANTS Plaintiffs' <u>26</u> Motion to Amend. The Clerk is DIRECTED to show Plaintiffs' Second Amended Class Action Complaint and its Exhibits as filed. Signed by Magistrate Judge Susan L Collins on 8/15/2017. (jss) (Entered: 08/15/2017)
08/15/2017	<u>28</u>	SECOND AMENDED COMPLAINT against David Gladieux, filed by Ian Barnhart, Demetrius Buroff. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u>

		Exhibit D, # <u>5</u> Exhibit E)(jss) (Entered: 08/15/2017)
08/21/2017	<u>29</u>	RESPONSE to Motion re <u>19</u> Amended MOTION to Certify Class filed by David Gladieux. (Attachments: # <u>1</u> Exhibit A)(Feighner, J) (Entered: 08/21/2017)
08/23/2017	<u>30</u>	REPLY to Response to Motion re <u>19</u> Amended MOTION to Certify Class filed by Ian Barnhart, Demetrius Buroff. (Frank, David) (Entered: 08/23/2017)
09/18/2017	<u>31</u>	ORDER DEEMING MOOT <u>2</u> MOTION to Certify Class by Plaintiff Demetrius Buroff. Signed by Chief Judge Theresa L Springmann on 9/18/17. (cer) (Entered: 09/18/2017)
11/13/2017	<u>32</u>	OPINION AND ORDER DENYING <u>19</u> Motion to Certify Class WITH LEAVE TO REFILE and DISMISSES Plaintiff Demetrius Buroff. Signed by Chief Judge Theresa L Springmann on 11/13/17. (mlc) Modified on 11/14/2017 to edit text (mlc). (Entered: 11/14/2017)
01/04/2018	<u>33</u>	First MOTION to Compel by Plaintiff Ian Barnhart. (Attachments: # <u>1</u> Exhibit Discovery Request, # <u>2</u> Exhibit 37.1 Letter, # <u>3</u> Exhibit 37.1 Letter, # <u>4</u> Exhibit 37.1 E-mail, # <u>5</u> Exhibit Certification)(Frank, David) (Entered: 01/04/2018)
01/18/2018	<u>34</u>	NOTICE by David Gladieux re <u>33</u> First MOTION to Compel <i>Resolution of Discovery Dispute</i> (Feighner, J) (Entered: 01/18/2018)
01/19/2018	<u>35</u>	ORDER for Magistrate Judge Susan Collins: <u>33</u> Plaintiff's Motion to Compel Discovery is deemed moot pursuant to the <u>34</u> Notice to Court of Resolution of Discovery Dispute. Text entry order. (mr) (Entered: 01/19/2018)
03/07/2018	<u>36</u>	Second MOTION to Certify Class by Plaintiff Ian Barnhart. (Attachments: # <u>1</u> Exhibit Defendant's Policies, # <u>2</u> Exhibit Inmate Petition, # <u>3</u> Exhibit Defendant's Admissions, # <u>4</u> Exhibit Inmate Population Report, # <u>5</u> Exhibit Voter Board Response, # <u>6</u> Exhibit Inmate Voter Registration Report)(Frank, David) (Entered: 03/07/2018)
03/07/2018	<u>37</u>	BRIEF in Support of <u>36</u> Second MOTION to Certify Class filed by Ian Barnhart. (Frank, David) (Entered: 03/07/2018)
03/21/2018	<u>38</u>	RESPONSE to Motion re <u>36</u> Second MOTION to Certify Class filed by David Gladieux. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Feighner, J) (Entered: 03/21/2018)
03/28/2018	<u>39</u>	REPLY to Response to Motion re <u>36</u> Second MOTION to Certify Class filed by Ian Barnhart. (Attachments: # <u>1</u> Exhibit Ex. G – Putative Class Members)(Frank, David) (Entered: 03/28/2018)
04/03/2018	<u>40</u>	NOTICE: Because the discovery period in this case has now concluded and there are no pending non-dispositive motions, the referral to Magistrate Judge Susan L Collins is now terminated. All further matters will now be handled by Chief Judge Theresa L Springmann unless otherwise directed. This entry constitutes the court's order on this matter and shall carry the same weight and authority as a written order signed by the judge. (mr) (Entered: 04/03/2018)
05/17/2018	<u>41</u>	OPINION AND ORDER: GRANTING <u>36</u> Second MOTION to Certify Class by Plaintiff Ian Barnhart. The Court appoints Christopher C. Myers & Associates as Class Counsel. Signed by Chief Judge Theresa L Springmann on 5/17/2018. (lhc) (Entered: 05/18/2018)
05/21/2018	<u>42</u>	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: Dispositive motions to be filed by 7/23/2018 and to be briefed in accordance with Local District Rules pursuant to the 40 Bright Line Notice. In the alternative, parties may jointly request trial date by written notice on or before 6/22/2018. (cer) (Entered: 05/21/2018)
07/23/2018	<u>43</u>	MOTION for Partial Summary Judgment by Defendant David Gladieux. (Attachments: # <u>1</u> Exhibit A – Affidavit of Voter Registration, # <u>2</u> Exhibit B – Affidavit of John Zagelemeier, # <u>3</u> Exhibit C – Response to Request for Admissions)(Feighner, J) (Entered: 07/23/2018)
07/23/2018	<u>44</u>	MEMORANDUM in Support of <u>43</u> MOTION for Partial Summary Judgment filed by David Gladieux. (Feighner, J) (Entered: 07/23/2018)

08/20/2018	<u>45</u>	RESPONSE to Motion re <u>43</u> MOTION for Partial Summary Judgment filed by Ian Barnhart. (Attachments: # <u>1</u> Affidavit Addison Affidavit, # <u>2</u> Affidavit Clemens Affidavit, # <u>3</u> Affidavit Collins Affidavit, # <u>4</u> Affidavit Cooper Affidavit, # <u>5</u> Affidavit Drake Affidavit, # <u>6</u> Affidavit Foote Affidavit, # <u>7</u> Affidavit Jones Affidavit, # <u>8</u> Affidavit Lash Affidavit, # <u>9</u> Affidavit Lewis Affidavit, # <u>10</u> Affidavit Long Affidavit, # <u>11</u> Affidavit Mattingly Affidavit, # <u>12</u> Affidavit Moore Affidavit, # <u>13</u> Affidavit Perkins Affidavit, # <u>14</u> Affidavit Thomas Affidavit, # <u>15</u> Affidavit Tuttle Affidavit)(Frank, David) (Entered: 08/20/2018)
08/20/2018	<u>46</u>	BRIEF in Opposition to <u>43</u> MOTION for Partial Summary Judgment filed by Ian Barnhart. (Frank, David) (Entered: 08/20/2018)
09/04/2018	<u>47</u>	REPLY to Response to Motion re <u>43</u> MOTION for Partial Summary Judgment filed by David Gladieux. (Feighner, J) (Entered: 09/04/2018)
09/07/2018	<u>48</u>	MOTION for Leave to File <i>Sur-Response in Opposition to Defendant's Partial Motion for Summary Judgement</i> by Plaintiff Ian Barnhart. (Attachments: # <u>1</u> Exhibit Plaintiffs' Sur-Response in Opposition to Defendant's Partial Motion for Summary Judgement, # <u>2</u> Affidavit James Davis, # <u>3</u> Affidavit Frederick Neel, # <u>4</u> Affidavit Artavius Richards, # <u>5</u> Affidavit Mylinque Wallace, # <u>6</u> Affidavit Nike-Shail White, # <u>7</u> Affidavit Jerry Williamson)(Frank, David) (Entered: 09/07/2018)
09/25/2018	<u>49</u>	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: The Court being duly advised GRANTS Pla's <u>48</u> Motion for Leave to File <i>Sur-Response in Opposition to Partial Motion for Summary Judgment</i> . Pla's <i>Sur-Response</i> to be filed by 10/2/2018. (cer) (Entered: 09/25/2018)
09/27/2018	<u>50</u>	RESPONSE to Motion re <u>43</u> MOTION for Partial Summary Judgment <i>Sur-Response</i> filed by Ian Barnhart. (Attachments: # <u>1</u> Affidavit James Davis, # <u>2</u> Affidavit Frederick Neel, # <u>3</u> Affidavit Artavius Richards, # <u>4</u> Affidavit Mylinque Wallace, # <u>5</u> Affidavit Nike-Shail White, # <u>6</u> Affidavit Jerry Williamson)(Frank, David) (Entered: 09/27/2018)
03/04/2019	<u>51</u>	Letter from Mediator C Erik Chickedantz advising that mediation was suspended and a second mediation will be scheduled following the Court's ruling on Dft's pending motion for summary judgment. (Ins) (Entered: 03/05/2019)