

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:16-cv-00397-JMS-MJD**

HUERTA v. EWING et al
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Civil Rights Act

Date Filed: 10/13/2016
Jury Demand: Defendant
Nature of Suit: 555 Prisoner Petitions –
Prison Condition
Jurisdiction: Federal Question

Plaintiff

JAUSTON HUERTA
*Individually and o/b/o present and future
inmates of Vigo County Jail*

represented by **Kenneth J. Falk**
ACLU OF INDIANA
1031 E. Washington Street
Indianapolis, IN 46202
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ATTORNEY TO BE NOTICED

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MICHAEL K. SUTHERLIN &
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ATTORNEY TO BE NOTICED

Plaintiff

THOMAS BOLTON, JR.
*Individually and o/b/o the Present and
Future Inmates of Vigo County Jail*

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

Michael K. Sutherlin
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CURTIS GILLIE
*Individually and o/b/o the Present and
Future Inmates of Vigo County Jail*

represented by **Kenneth J. Falk**
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ATTORNEY TO BE NOTICED

Michael K. Sutherlin
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CARL SHERB
*Individually and o/b/o the Present and
Future Inmates of Vigo County Jail*

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

Michael K. Sutherlin
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

DEREK HICKS
*Individually and o/b/o the Present and
Future Inmates of Vigo County Jail*

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

Michael K. Sutherlin
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

DURAND RANDLE
*Individually and o/b/o The Present and
Future Inmates of Vigo County Jail*

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

Michael K. Sutherlin
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

GREG EWING
*Individually and in his official capacity as
Sheriff of Vigo County*

represented by **Craig Morris McKee**
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WILKINSON & DRUMMY
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Michael James Wright
MICHAEL J. WRIGHT, ATTORNEY AT
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ATTORNEY TO BE NOTICED

Defendant

VIGO COUNTY COMMISSIONERS

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

VIGO COUNTY COUNCIL

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BRAD ANDERSON
*In official role as Vigo County
Commissioner*

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JUDY ANDERSON
*In official role as Vigo County
Commissioner*

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JON MARVEL
*In official role as Vigo County
Commissioner*

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MIKE MORRIS
In official role as Vigo County Council

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MARK D. BIRD
In official role as Vigo County Council

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

RICK BURGER
In official role as Vigo County Council

represented by **David P. Friedrich**
(See above for address)
ATTORNEY TO BE NOTICED

Michael James Wright
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TIMOTHY CURLEY
In official role as Vigo County Council

represented by **David P. Friedrich**
(See above for address)

ATTORNEY TO BE NOTICED

Michael James Wright
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

KATHY MILLER
In official role as Vigo County Council

represented by **David P. Friedrich**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael James Wright
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

ED PING
In official role as Vigo County Council

represented by **David P. Friedrich**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael James Wright
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

BILL THOMAS
In official role as Vigo County Council

represented by **David P. Friedrich**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael James Wright
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/13/2016	<u>1</u>	COMPLAINT against All Defendants, filed by JAUSTON HUERTA. Receipt No. 0756-4084838 in the amount of \$400.00 for filing fee (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Proposed Summons)(Sutherlin, Michael) Modified on 10/13/2016 to include Receipt (DJH). (Entered: 10/13/2016)
10/13/2016	<u>2</u>	NOTICE of Appearance by Michael K. Sutherlin on behalf of Plaintiff JAUSTON HUERTA. (Sutherlin, Michael) (Entered: 10/13/2016)
10/13/2016	<u>3</u>	NOTICE of Appearance by Michael K. Sutherlin on behalf of Plaintiff JAUSTON HUERTA. (Sutherlin, Michael) (Entered: 10/13/2016)
10/14/2016	<u>4</u>	Summons Issued as to BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JAUSTON HUERTA, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (RSF) (Entered: 10/14/2016)
10/14/2016	<u>5</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (RSF) (Entered: 10/14/2016)
10/14/2016	<u>6</u>	NOTICE of Appearance by Bradley C. Lohmeier on behalf of Plaintiff JAUSTON HUERTA. (Lohmeier, Bradley) (Entered: 10/14/2016)
11/03/2016	<u>7</u>	NOTICE of Appearance by Michael James Wright on behalf of Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Wright, Michael) (Entered: 11/03/2016)

11/17/2016	<u>8</u>	AMENDED COMPLAINT against All Defendants, filed by All Plaintiffs.(Sutherlin, Michael) (Entered: 11/17/2016)
11/17/2016	<u>9</u>	MOTION for Leave to file re <u>8</u> of Amended Complaint by JAUSTON HUERTA (Attachments: # <u>1</u> Text of Proposed Order) (Sutherlin, Michael) Modified on 11/18/2016 (DW). (Entered: 11/17/2016)
11/21/2016	<u>10</u>	MOTION to Certify Class , filed by Plaintiff JAUSTON HUERTA. (Lohmeier, Bradley) (Entered: 11/21/2016)
11/21/2016	<u>11</u>	BRIEF/MEMORANDUM in Support re <u>10</u> MOTION to Certify Class , filed by Plaintiff JAUSTON HUERTA. (Lohmeier, Bradley) (Entered: 11/21/2016)
11/21/2016	<u>12</u>	MOTION for Preliminary Injunction , filed by Plaintiff JAUSTON HUERTA. (Attachments: # <u>1</u> Text of Proposed Order)(Lohmeier, Bradley) (Entered: 11/21/2016)
11/22/2016	<u>13</u>	ORDER granting <u>9</u> Motion for Leave to File Amended Complaint. Plaintiffs' Amended Complaint is deemed filed as of the date of this Order and pursuant to Rule 15 of the Federal Rules of Civil Procedure, the Defendants' responses must be made within the time remaining to respond to the original pleading or within 14 day after service of the amended complaint, whichever is later. Signed by Magistrate Judge Denise K. LaRue on 11/22/2016. (LBT) (Entered: 11/22/2016)
11/22/2016	<u>14</u>	AMENDED COMPLAINT against BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL, filed by JAUSTON HUERTA, THOMAS BOLTON, JR, CURTIS GILLIE, CARL SHERB, DEREK HICKS, DURAND RANDLE. **DOCKETED PER NO. 13**(LBT) (Entered: 11/22/2016)
11/22/2016	<u>15</u>	SCHEDULING ENTRY: Telephonic Status Conference set for 12/2/2016 at 9:00 AM (Eastern Time) before Magistrate Judge Denise K. LaRue. The purpose of the conference is to discuss Plaintiff's Motion for Preliminary Injunction (Dkt. <u>12</u>) and to set a briefing schedule on said motion. Counsel will receive call-in information for the conference via separate email notification. Signed by Magistrate Judge Denise K. LaRue on 11/22/2016.(LBT) (Entered: 11/22/2016)
12/05/2016	<u>17</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Denise K. LaRue: Status Conference held on 12/2/2016 – Parties discussed case status and pending motions filed by Plaintiff. Defendants' Response to the Motion for Class Certification [Dkt. <u>10</u>] and Motion for Preliminary Injunction [Dkt. <u>12</u>] shall be filed on or before December 16, 2016. Any Reply shall be filed on or before December 23, 2016. The parties request a day and half evidentiary hearing in mid-January 2017. The conference concluded without further order. Signed by Magistrate Judge Denise K. LaRue. (REO) (Entered: 12/05/2016)
12/06/2016	<u>18</u>	ENTRY SETTING HEARING – Evidentiary Hearing set for 1/17/2017 at 9:00 AM in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Judge Jane Magnus–Stinson. Signed by Judge Jane Magnus–Stinson on 12/6/2016.(RSF) (Entered: 12/06/2016)
12/16/2016	<u>19</u>	NOTICE of consent to class action certification, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL (Wright, Michael) (Entered: 12/16/2016)
12/16/2016	<u>20</u>	RESPONSE in Opposition re <u>12</u> MOTION for Preliminary Injunction , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Wright, Michael) (Entered: 12/16/2016)
12/22/2016	<u>21</u>	NOTICE of Appearance by David P. Friedrich on behalf of Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED

		PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 12/22/2016)
12/27/2016	<u>22</u>	***PLEASE DISREGARD – WITHDRAWN AT <u>22</u> *** NOTICE of Parties' First Extension of Time, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) Modified on 12/29/2016 (RSF). (Entered: 12/27/2016)
12/28/2016	<u>23</u>	MOTION to Withdraw <u>22</u> NOTICE of Parties' First Extension of Time , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Withdrawing Filing at <u>22</u>)(Friedrich, David) (Entered: 12/28/2016)
12/29/2016	<u>24</u>	ORDER – granting <u>23</u> Motion to Withdraw <u>22</u> NOTICE of Parties' First Extension of Time. Signed by Magistrate Judge Denise K. LaRue on 12/29/2016. (RSF) (Entered: 12/29/2016)
01/06/2017	<u>25</u>	SCHEDULING ORDER: Telephonic Status Conference set for 1/10/2017 at 12:00 PM (Eastern Time) before Magistrate Judge Denise K. LaRue. The purpose of the conference is to discuss readiness for upcoming preliminary injunction hearing. Counsel will receive call–in information for the conference via separate email notification. Signed by Magistrate Judge Denise K. LaRue on 1/6/2017.(REO) (Entered: 01/06/2017)
01/09/2017	<u>27</u>	NOTICE of Appearance by Craig Morris McKee on behalf of Defendant GREG EWING. (McKee, Craig) (Entered: 01/09/2017)
01/11/2017	<u>28</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Denise K. LaRue: Status Conference held on 1/10/2017 – Parties discussed case status. Parties are directed to call–in for a status report (using the same call–in information used for this conference) on Wednesday, January 11, 2017, at 2:30 p.m., Eastern. The conference concluded without further order. Signed by Magistrate Judge Denise K. LaRue. (REO) (Entered: 01/11/2017)
01/12/2017	<u>29</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Denise K. LaRue: Status Conference held on 1/11/2017 – Parties discussed case status. Parties reported that Executive Session went well last night and Commissioners are agreeable to the most recent draft and stipulation prepared by Craig McKee. Attorney Sutherland has not had chance to review but it was reported that there were not any substantive changes. Attorney Sutherland will review tonight and report by 10 a.m. tomorrow on whether the January 17, 2017, Preliminary Injunction hearing can be vacated. Attorney Sutherland reported that the parties were far enough in substantial agreement on a draft stipulation that the Preliminary Injunction evidentiary could be vacated. The conference concluded without further order. Signed by Magistrate Judge Denise K. LaRue. (REO) (Entered: 01/12/2017)
01/12/2017	<u>30</u>	ENTRY VACATING HEARING – Based on the telephonic status conference between the parties and the Magistrate Judge in which Plaintiffs' counsel advised that the Preliminary Injunction hearing is no longer necessary [dkt. <u>29</u>], the Court VACATES the January 17, 2017 Preliminary Injunction Hearing. Signed by Judge Jane Magnus–Stinson on 1/12/2017.(MRI) Modified on 1/13/2017 (DW). (Entered: 01/12/2017)
01/18/2017	<u>31</u>	MOTION to Withdraw Attorney Appearance of <i>Bradley C. Lohmeier</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Lohmeier, Bradley) (Entered: 01/18/2017)
01/20/2017	<u>32</u>	ORDER granting <u>31</u> Motion to Withdraw Attorney Appearance. Attorney Bradley C. Lohmeier withdrawn on behalf of the class and Jauston Huerta. Signed by Magistrate Judge Denise K. LaRue on 1/20/2017. (DW) (Entered: 01/20/2017)

02/27/2017	<u>33</u>	MOTION <i>for Status Conference</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) (Entered: 02/27/2017)
03/17/2017	<u>34</u>	ORDER granting <u>33</u> Motion for Status Conference. This matter is scheduled for a telephonic status conference on MONDAY, MARCH 27, 2017, AT 10:00 A.M., EASTERN. The purpose of this status conference is to discuss progress on the parties' stipulation. Counsel will receive call-in information for the conference via separate email notification. Signed by Magistrate Judge Denise K. LaRue on 3/17/2017.(DW) (Entered: 03/17/2017)
03/27/2017	<u>36</u>	***PLEASE DISREGARD-WITHDRAWN at <u>46</u> *** STIPULATION , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Notice to Class Members, # <u>2</u> Timeframe for Completion of Vigo County Security Complex, # <u>3</u> Text of Proposed Order)(Sutherlin, Michael) Modified on 3/28/2017 (DW). Modified on 5/19/2017 (MRI). (Entered: 03/27/2017)
04/07/2017	<u>37</u>	Joint MOTION <i>to Approve Joint Stipulation and Class Certification</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) (Entered: 04/07/2017)
04/07/2017	<u>38</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Denise K. LaRue: Status Conference held on 3/27/2017 – Parties discussed case status. Plaintiffs reported the parties were able to resolve their differences and reach a joint stipulation: with proposed notice to class; proposed order, and proposed timeline. If approved by the Court, Plaintiff would then file a petition for attorneys' fees. The conference concluded without further order. Signed by Magistrate Judge Denise K. LaRue. (REO) (Entered: 04/07/2017)
04/14/2017	<u>39</u>	ENTRY SETTING TELEPHONIC STATUS CONFERENCE – The above cause is set for a telephonic status conference on April 20, 2017 at 2:30 p.m. on the pending Joint Motion to Approve Joint Stipulation and Class Certification (filing no. <u>37</u>). Counsel shall call 317-229-3670. Signed by Judge Jane Magnus-Stinson on 4/14/2017.(DW) (Entered: 04/14/2017)
04/21/2017	<u>40</u>	MINUTE ENTRY for proceedings held before Judge Jane Magnus-Stinson. The Court held a telephonic status conference in this matter on April 20, 2017. Plaintiffs were present by counsel Michael Sutherlin. Defendant Greg Ewing was present by counsel Craig McKee and Michael Wright, and the remaining Defendants were present by counsel Michael Wright. The Court and counsel discussed the parties' Stipulation, [Filing No. 36], and Joint Motion to Approve Joint Stipulation and Class Certification, [Filing No. 37]. The Court took the Joint Motion to Approve Joint Stipulation and Class Certification UNDER ADVISEMENT, and the telephonic conference concluded. If the parties would like to submit any revisions to the motion, or further information relating to the motion, they must do so by May 15, 2017. A hearing on the Joint Motion to Approve Joint Stipulation and Class Certification is scheduled for May 17, 2017 at 1:30 p.m. in Room 307 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge Jane Magnus-Stinson. (MRI) (Entered: 04/21/2017)
05/08/2017	<u>41</u>	MOTION <i>for assistance to transport inmates</i> , filed by Plaintiff JAUSTON HUERTA. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) (Entered: 05/08/2017)
05/09/2017	<u>42</u>	ORDER – Accordingly, Plaintiffs' Request for Assistance of the Court, [Filing No. <u>41</u>], is DENIED (SEE ORDER FOR ADDITIONAL INFORMATION). Signed by Judge Jane Magnus-Stinson on 5/9/2017. (DW) (Entered: 05/09/2017)
05/15/2017	<u>43</u>	BRIEF/MEMORANDUM in Support re <u>37</u> Joint MOTION <i>to Approve Joint Stipulation and Class Certification and Notice to the Class</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Sutherlin, Michael) (Entered: 05/15/2017)
05/15/2017	<u>44</u>	MOTION <i>Proposed Joint Stipulation</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) (Entered: 05/15/2017)

05/15/2017	<u>45</u>	NOTICE of Filing of <i>Certification of Class Action</i> by All Plaintiffs (Sutherlin, Michael) (Entered: 05/15/2017)
05/19/2017	<u>46</u>	MINUTE ORDER for proceedings held before Judge Jane Magnus-Stinson: On May 17, 2017, the Court held a hearing on the parties' Joint Motion to Approve Joint Stipulation and Class Certification, [Filing No. <u>37</u>]. Plaintiffs were present by counsel Michael Sutherlin. Defendant Sheriff Greg Ewing was present in person and by counsel Craig McKee, David Friedrich, and Michael Wright. The remaining Defendants were present by counsel David Friedrich and Michael Wright. The court reporter was Jean Knepley. The Court DENIES IN PART WITH EXPLANATION the Joint Motion to Approve Stipulation and Class Certification to the extent it requests approval of the Joint Stipulation. [Filing No. <u>37</u>] The Court, therefore, ACCEPTS the Proposed Joint Stipulation, [Filing No. <u>44</u>] The Court GRANTS IN PART the Joint Motion to Approve Joint Stipulation and Class Certification, [Filing No. <u>37</u>], to the extent that it seeks class certification, and likewise GRANTS Plaintiffs' Motion for Class Certification, [Filing No. <u>10</u>]. The joint stipulation filed on March 27, 2017 [Filing No. <u>36</u>] is WITHDRAWN. Plaintiffs' Motion for Preliminary Injunction, [Filing No. <u>12</u>], remains pending. (SEE ORDER FOR MORE DETAILS.) Signed by Judge Jane Magnus-Stinson. (Court Reporter Jean Knepley.) (Attachments: # <u>1</u> Class Notice)(MRI) (Entered: 05/19/2017)
05/22/2017	<u>47</u>	MOTION for Preliminary Injunction <i>Hearing</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) (Entered: 05/22/2017)
05/23/2017	<u>48</u>	ORDER REASSIGNING CASE – Pursuant to 28 U.S.C. Section 137 and Local Rule 40–1(f), this matter has been reassigned to Magistrate Judge Mark J. Dinsmore. Judge Denise K. LaRue is no longer assigned to the case. Please include the new case number, 2:16-cv-00397–JMS–MJD, on all future filings in this matter. Signed by Judge Jane Magnus-Stinson on 5/23/2017. (NLR) (Entered: 05/23/2017)
05/23/2017	<u>49</u>	ORDER (Marginal Notation): Given the parties' Stipulation in which Defendants agree that "the Vigo County Jail does not meet constitutional standards for reasons of overcrowding, understaffing, and inadequate space" [dkt. <u>44</u>], the Court wonders how the requested hearing would or should take 3 days. Plaintiffs are ordered to supplement their motion explaining the need for such a lengthy hearing. Signed by Judge Jane Magnus-Stinson on 5/23/2017.(DW) (Entered: 05/23/2017)
05/24/2017	<u>50</u>	SCHEDULING ORDER: Telephonic Status Conference set for 6/1/2017 at 11:00 AM before Magistrate Judge Mark J. Dinsmore. The purpose of the conference is to discuss case status. Counsel shall attend the conference by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. Signed by Magistrate Judge Mark J. Dinsmore on 5/24/2017.(RSF) (Entered: 05/24/2017)
06/01/2017	<u>52</u>	NOTICE of Appearance by Eric A. Frey on behalf of Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Frey, Eric) (Entered: 06/01/2017)
06/02/2017	<u>53</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 6/1/2017. Parties discussed status & committed to reporting on status of efforts to reach agreement regarding Agreed Preliminary Injunction by June 9, 2017 as previously ordered. [Dkt. <u>46</u> at 6.] Parties instructed to meet-and-confer & report on total amount of time expected for any preliminary injunction hearing, including amount of time for argument at conclusion of any evidentiary submission. *See Order for Additional Requirements & Information.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 06/02/2017)
06/09/2017	<u>54</u>	STATUS REPORT <i>Joint Status Report</i> by All Defendants. (Wright, Michael) (Entered: 06/09/2017)
06/16/2017	<u>55</u>	Unopposed MOTION for Extension of Time to 06/23/2017 , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (McKee, Craig) (Entered: 06/16/2017)

06/19/2017	<u>56</u>	Submission of Proposed Order , re <u>55</u> Unopposed MOTION for Extension of Time to 06/23/2017 , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BÜRGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (McKee, Craig) (Entered: 06/19/2017)
06/19/2017	<u>57</u>	ORDER GRANTING PARTIES' REQUEST FOR EXTENSION OF TIME – The Parties filed a Request for Extension of Time <u>55</u> , and the Court, being duly advised, now GRANTS the motion. Agreed Preliminary Injunction pleadings shall be due June 23, 2017. Signed by Judge Jane Magnus–Stinson on 6/19/2017. (RSF) (Entered: 06/19/2017)
06/23/2017	<u>58</u>	MOTION for Extension of Time to June 30, 2017 , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) (Entered: 06/23/2017)
06/26/2017	<u>59</u>	ORDER GRANTING PLAINTIFF'S REQUEST FOR EXTENSION OF TIME – The plaintiff filed a request for Extension of Time, and the Court, being duly advised, now GRANTS the motion. Agreed Preliminary Injunction pleadings shall be due on the 30th day of June, 2017. Signed by Judge Jane Magnus–Stinson on 6/26/2017. (RSF) (Entered: 06/26/2017)
06/30/2017	<u>60</u>	MOTION for Pretrial Conference <i>Status Conference</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(McKee, Craig) (Entered: 06/30/2017)
07/05/2017	<u>61</u>	ORDER granting <u>60</u> Motion for Pretrial Conference. The Court, being duly advised, hereby GRANTS Defendants' Motion and sets this matter for an in person pretrial conference on Wednesday, August 2, 2017 at 4:00 p.m. (Eastern) in Courtroom 131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Magistrate Judge Mark J. Dinsmore. The parties are ordered to provide the Court a Word version of the most current draft of an agreed preliminary injunction order by 10:00 a.m. (Eastern) on July 31, 2017 (SEE ORDER). Signed by Magistrate Judge Mark J. Dinsmore on 7/5/2017.(DW) (Entered: 07/05/2017)
07/26/2017	<u>62</u>	MOTION to Withdraw Attorney Appearance , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Frey, Eric) (Entered: 07/26/2017)
07/27/2017	<u>63</u>	ORDER granting <u>62</u> Motion to Withdraw Attorney Appearance. Eric A. Frey's Appearance on behalf of the Plaintiffs is WITHDRAWN and TERMINATED. Signed by Magistrate Judge Mark J. Dinsmore on 7/27/2017. (DW) (Entered: 07/27/2017)
08/08/2017	<u>64</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Pretrial Conference held on 8/2/2017. Court & parties discussed status & Plaintiff's pending motion for preliminary injunction. Plaintiff to file amended motion for preliminary injunction by 8/16/2017. Parties to notify Court regarding agreement as to communication of notice to class by 8/18/2017. Initial Pretrial Conference set for 9/5/2017 at 1:30 PM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Magistrate Judge Mark J. Dinsmore. Parties to file proposed Case Management Plan no fewer than 7 days prior to pretrial conference. *See Order.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 08/09/2017)
08/18/2017	<u>65</u>	***WITHDRAWN per <u>87</u> *** Amended MOTION to Amend/Correct , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) Modified on 12/18/2017 (GD). (Entered: 08/18/2017)
08/18/2017	<u>66</u>	MARGINAL ENTRY denying as moot <u>47</u> Motion for Preliminary Injunction – In light of Plaintiffs' Amended Motion for Preliminary Injunction, <u>65</u> , the Court DENIES AS MOOT Plaintiffs' Renewed Motion for a Preliminary Injunction Hearing, <u>47</u> . The

		Court may reconsider if necessary. Signed by Judge Jane Magnus–Stinson on 8/18/2017. (JRB) (Main Document 66 replaced on 8/18/2017) (JRB). (Entered: 08/18/2017)
08/18/2017	<u>67</u>	MARGINAL ENTRY denying as moot <u>12</u> Motion for Preliminary Injunction – Because Plaintiffs have filed an Amended Motion for Preliminary Injunction, <u>65</u> , their Motion for Preliminary Injunction, <u>12</u> , is DENIED AS MOOT AND WITHOUT PREJUDICE. Signed by Judge Jane Magnus–Stinson on 8/18/2017. (JRB) (Entered: 08/18/2017)
08/22/2017	<u>68</u>	NOTICE of Change of Attorney Information <i>Relocation of Plaintiff Counsel's Office</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB (Sutherlin, Michael) Modified on 8/23/2017 (DW). (Entered: 08/22/2017)
08/24/2017	<u>69</u>	AMENDED SCHEDULING ORDER: The in person initial pretrial conference currently scheduled for September 5, 2017 at 1:30 p.m. (Eastern) is hereby CONVERTED Telephonic Initial Pretrial Conference. Counsel shall attend the conference by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. All other requirements of the Court's order dated August 8, 2017 [Dkt. <u>64</u>] remain in effect, and the parties are reminded to file a proposed Case Management Plan no fewer than seven days in advance of the initial pretrial conference. Signed by Magistrate Judge Mark J. Dinsmore on 8/24/2017.(RSF) (Entered: 08/25/2017)
08/25/2017	<u>70</u>	NOTICE of parties agreement on notification of class members, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL (Wright, Michael) (Entered: 08/25/2017)
08/29/2017	<u>71</u>	ORDER (Marginal Notation) – The court approves the parties agreement re <u>70</u> Notice of parties agreement on notification of class members. Signed by Judge Jane Magnus–Stinson on 8/29/2017.(DW) (Entered: 08/29/2017)
09/08/2017	<u>73</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Initial Pretrial Conference held on 9/5/2017. Hearing on Plaintiffs' Amended Motion for Preliminary Injunction <u>65</u> shall be consolidated with trial on the merits. Plaintiffs' remaining claims triable to jury shall be prepared for resolution pursuant to Case Management Order entered contemporaneous with this order. Plaintiffs' brief in support of <u>65</u> Amended Motion for Preliminary Injunction due on or before 10/13/2017. Defendants' responsive brief due on or before 11/13/2017 & Plaintiffs' reply brief due on or before 11/8/2017. On or before 12/8/2017, parties' shall file list of witnesses to be called & list of exhibits to be offered at hearing on Plaintiffs' Amended Motion for Preliminary Injunction. Parties' pre–hearing briefs also due on or before 12/8/2017. In Person Pre–Hearing Conference set for 12/11/2017 at 4:00 PM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Magistrate Judge Mark J. Dinsmore. In advance of conference, parties should endeavor to stipulate in writing to any relevant facts to which there is no dispute. Court anticipates Plaintiffs' Amended Motion for Preliminary Injunction, and consolidated trial on the merits of all issues triable to the Court, will be ready for hearing on or after January 8, 2018. Telephonic Status Conference set for 9/18/2017 at 1:30 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. Settlement Conference set for 2/26/2018 at 12:30 PM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Magistrate Judge Mark J. Dinsmore. *SEE ORDER FOR ADDITIONAL DEADLINES & INFORMATION.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 09/11/2017)
09/08/2017	<u>74</u>	ORDER REGARDING PROTECTIVE ORDERS – In the event an agreed protective order is required in this matter, the parties shall file a motion seeking the entry of such an order, attaching thereto the proposed protective order. The parties shall either use the Court's Uniform Protective Order http://www.insd.uscourts.gov/court-info/local-rules-and-orders or explain in the motion why a different form of order is being proposed (SEE ORDER). Signed by Magistrate Judge Mark J. Dinsmore on 9/8/2017.(DW) (Entered: 09/11/2017)

09/08/2017	<u>75</u>	ORDER: CASE MANAGEMENT PLAN – Discovery due by 3/16/2018. Dispositive Motions due by 4/13/2018 (SEE ORDER). Signed by Magistrate Judge Mark J. Dinsmore on 9/8/2017.(DW) (Entered: 09/11/2017)
09/18/2017	<u>77</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 9/18/2017. Parties discussed status & acknowledged agreement with schedule set forth by Court (<u>73</u> & <u>75</u> .) Telephonic Status Conference set for 10/17/2017 at 12:30 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 09/18/2017)
09/21/2017	<u>78</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5–3, Michael James Wright hereby notifies the Clerk of the court of changed contact information. (Wright, Michael) (Entered: 09/21/2017)
10/10/2017	<u>79</u>	First MOTION for Extension of Time to November 6, 2017 , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Motion for Extension of Time)(Sutherlin, Michael) (Entered: 10/10/2017)
10/11/2017	<u>80</u>	ORDER granting in part and denying in part <u>79</u> Motion for Extension of Time – <u>73</u> is hereby amended as follows: Plaintiffs shall file a brief in support of their Amended Motion for Preliminary Injunction <u>65</u> on or before October 20, 2017. Defendants shall file a responsive brief on or before November 20, 2017, and Plaintiffs shall file any reply brief on or before December 8, 2017. All other requirements and deadlines set forth in <u>73</u> remain in effect and no further enlargements of the deadlines set forth in <u>73</u> will be granted to any party. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 10/11/2017. (JRB) (Entered: 10/12/2017)
10/18/2017	<u>82</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 10/17/2017. Parties discussed preliminary injunction briefing schedule. In Person Prehearing Conference remains on calendar for 12/11/2017. Parties were reminded to timely file all submissions required in advance of conference. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 10/18/2017)
11/29/2017	<u>83</u>	Letter from Joshua Goodpaster re: Class Action Lawsuit. (Attachments: # <u>1</u> Envelope) (MAC) (Entered: 11/30/2017)
12/07/2017	<u>84</u>	MOTION to Convert Status Conference to Telephone Conference, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(McKee, Craig) (Entered: 12/07/2017)
12/08/2017	<u>85</u>	ORDER granting <u>84</u> Defendants' Motion to Convert to Telephonic Conference: In Person Status Conference set for 12/11/2017 hereby CONVERTED to Telephonic Status Conference & Court changes time to 12:30 PM (Eastern Time). *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore on 12/8/2017. (GD) (Entered: 12/08/2017)
12/18/2017	<u>87</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 12/11/2017. Plaintiffs' counsel orally moved to withdraw <u>65</u> Plaintiffs' Amended Motion for Preliminary Injunction; Plaintiffs' motion GRANTED; Clerk is directed to show <u>65</u> Plaintiffs' Amended Motion for Preliminary Injunction as WITHDRAWN. Approved Case Management Order <u>75</u> hereby amended: Parties' Initial Disclosures due 12/22/2017; Plaintiffs' Preliminary Witness & Exhibit Lists due 12/22/2017; Defendants' Preliminary Witness & Exhibit Lists due 12/29/2017. Telephonic Status Conference set for 1/2/2018 at 12:20 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 12/18/2017)
12/21/2017	<u>88</u>	NOTICE of Service of Initial Disclosures , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 12/21/2017)

12/21/2017	<u>89</u>	Witness List <i>Preliminary</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 12/21/2017)
12/21/2017	<u>90</u>	Exhibit List <i>Preliminary</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 12/21/2017)
01/02/2018	<u>92</u>	AMENDED SCHEDULING ORDER: Telephonic Status Conference set for 1/2/2018 at 12:20 PM is hereby RESCHEDULED to 1/4/2018 at 9:30 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. Counsel will be provided with new teleconference call-in information. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore on 1/2/2018. (GD) (Entered: 01/02/2018)
01/04/2018	<u>94</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 1/4/2018. Parties discussed status of & future plans for discovery. Plaintiffs' initial disclosures and preliminary witness & exhibit lists due 1/12/2018. Telephonic Status Conference set for 2/1/2018 at 5:00 PM (Eastern Time) to discuss case status & parties' readiness for upcoming settlement conference. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 01/05/2018)
01/11/2018	<u>95</u>	First MOTION <i>for Appointment of Three Judge Panel</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) (Entered: 01/11/2018)
01/16/2018	<u>96</u>	NOTICE of Service of Initial Disclosures , <i>Witness and Exhibit Lists</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) (Entered: 01/16/2018)
01/16/2018	<u>97</u>	***WITHDRAWN PER <u>102</u> ORDER*** First MOTION <i>to Amend Complaint</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Exhibit)(Sutherlin, Michael) Modified on 1/30/2018 (DW). (Entered: 01/16/2018)
01/19/2018	<u>98</u>	SCHEDULING ORDER – Therefore, the Court orders Plaintiffs' counsel to file a proposed second amended complaint on or before January 25, 2018. Thereafter, any response to the Plaintiffs' Motion shall be due on or before January 29, 2018. Any reply in support of Plaintiffs' Motion shall be due on or before February 1, 2018 (SEE ORDER). Signed by Magistrate Judge Mark J. Dinsmore on 1/19/2018.(DW) (Entered: 01/19/2018)
01/25/2018	<u>99</u>	Second MOTION , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) (Entered: 01/25/2018)
01/25/2018	<u>100</u>	PROPOSED ORDER re <u>95</u> First MOTION for Appointment of Three Judge Panel , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Sutherlin, Michael) Modified on 1/26/2018 (DW). (Entered: 01/25/2018)
01/29/2018	<u>102</u>	ORDER – This matter comes before the Court on Plaintiffs' Request to Withdraw Motion to Amend Complaint. [Dkt. <u>99</u> .] The Court, being duly advised, hereby GRANTS the motion. The Clerk is directed to reflect Plaintiffs' Motion to Add Lloyd Thomas a Named Plaintiff in the Vigo County Jail Class Action [Dkt. <u>97</u>] as WITHDRAWN from the docket. Signed by Magistrate Judge Mark J. Dinsmore on 1/29/2018. (DW) (Entered: 01/30/2018)
02/01/2018	<u>104</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 2/1/2018. Parties discussed status of discovery & readiness for upcoming settlement conference. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 02/02/2018)

02/02/2018	<u>103</u>	MOTION to Take Deposition from Jauston Huerta , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order to take deposition)(Friedrich, David) (Entered: 02/02/2018)
02/05/2018	<u>105</u>	ORDER – This matter comes before the Court on Defendants' motion for leave to take the deposition of Jauston Huerta, pursuant to Federal Rule of Civil Procedure 30(a)(2)(B). [Dkt. <u>103</u> .] The Court, being duly advised, hereby GRANTS the motion. Defendants are authorized to take the deposition of Jauston Huerta at the Putnamville Correctional Facility on February 9, 2018. Signed by Magistrate Judge Mark J. Dinsmore on 2/5/2018. (DW) (Entered: 02/05/2018)
02/05/2018	<u>106</u>	ORDER TO MAKE INMATE AVAILABLE – You or your designee(s) are ORDERED to make Jauston Huerta available to participate telephonically in a settlement conference at the time and date specified in this Order. Putnamville Correctional Facility shall provide a call–in number to the Court. Inmate: Jauston Huerta 954787 Date: February 26, 2018 Time: 12:30 p.m. (Eastern) Expected Duration of Court Proceeding: 3–4 hours Any questions or information concerning this Order should be brought to the attention of Judge Dinsmore's Courtroom Deputy at 317–229–3901. Signed by Magistrate Judge Mark J. Dinsmore on 2/2/2018.(DW) (Entered: 02/05/2018)
02/08/2018	<u>107</u>	ORDER – For the foregoing reasons, the Court DENIES Plaintiffs' Motion for the Appointment of a Three Judge Panel, <u>95</u> . To the extent that circumstances change which would support the appointment of a three–judge panel, Plaintiffs may re–file their motion (SEE ORDER FOR ADDITIONAL INFORMATION). Signed by Judge Jane Magnus–Stinson on 2/8/2018. (DW) (Entered: 02/08/2018)
02/28/2018	<u>108</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Settlement Conference held on 2/26/2018. Settlement was not achieved. Court amends approved Case Management Order <u>75</u> . Dispositive Motions due by 6/22/2018. Discovery due by 5/25/2018. Parties are directed to plan for & complete all case–related activities pursuant to schedule. Parties should not anticipate any further revision of the case deadlines. Telephonic Status Conference set for 3/29/2018 at 12:00 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER FOR DEADLINES.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 03/01/2018)
03/01/2018	<u>109</u>	<i>Defendants</i> ANSWER to <u>14</u> Amended Complaint , filed by All Defendants.(Friedrich, David) (Entered: 03/01/2018)
03/27/2018	<u>111</u>	AMENDED SCHEDULING ORDER (TIME ONLY): This matter is currently set for a Telephonic Status Conference on 3/29/2018 at 12:00 PM. The Court now changes the time to 10:00 AM (Eastern) on that same date. All other requirements of the Court's order dated 2/28/2018 <u>108</u> remain in effect, and the teleconference call–in information issued by the Court on 3/27/2018 <u>110</u> remains unchanged. Signed by Magistrate Judge Mark J. Dinsmore on 3/27/2018. (GD) (Entered: 03/27/2018)
03/29/2018	<u>112</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 3/29/2018. Parties discussed status of discovery. Telephonic Status Conference set for 9/4/2018 at 10:20 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 03/30/2018)
04/04/2018	<u>113</u>	First MOTION to Appoint Counsel , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Proposed Order)(Sutherlin, Michael) (Entered: 04/04/2018)
04/05/2018	<u>114</u>	ORDER – This matter comes before the Court on Plaintiffs' Motion to Appoint Kenneth J. Falk as Additional Class Counsel for the Purpose of Seeking Declaratory and Injunctive Relief. [Dkt. <u>113</u> .] The Court, being duly advised, and finding that Kenneth J. Falk is an appropriate person to appoint as additional counsel for the class in this case, hereby GRANTS the motion. Accordingly, pursuant to Federal Rule of Civil Procedure 23(g), Kenneth J. Falk is appointed as additional counsel for the class

		in this case for the purpose of pursuing injunctive and declaratory relief. Plaintiffs' counsel Michael K. Sutherlin shall serve a copy of this Order upon Kenneth J. Falk, and Mr. Falk shall enter his appearance for Plaintiffs in this matter. Signed by Magistrate Judge Mark J. Dinsmore on 4/5/2018. (DW) (Entered: 04/06/2018)
04/09/2018	<u>115</u>	NOTICE of Appearance by Kenneth J. Falk on behalf of Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 04/09/2018)
05/30/2018	<u>116</u>	NOTICE of Claims and Defenses, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB (Falk, Kenneth) (Entered: 05/30/2018)
06/22/2018	<u>117</u>	STIPULATION as to Photographs, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Exhibit 2-person cell, # <u>2</u> Exhibit 4-person cell, # <u>3</u> Exhibit prisoner in "boat", # <u>4</u> Exhibit prisoner not in "boat", # <u>5</u> Exhibit outside cell area)(Falk, Kenneth) (Entered: 06/22/2018)
06/22/2018	<u>118</u>	MOTION for Summary Judgment –PARTIAL–, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Exhibit Ewing deposition, # <u>2</u> Exhibit Whipker declaration, # <u>3</u> Exhibit Bill Thomas deposition, # <u>4</u> Exhibit Huerta deposition, # <u>5</u> Exhibit Riley declaration, # <u>6</u> Exhibit Dockery declaration, # <u>7</u> Exhibit Thomas declaration, # <u>8</u> Exhibit Marvel deposition, # <u>9</u> Exhibit Smith declaration, # <u>10</u> Exhibit Lloyd Thomas deposition)(Falk, Kenneth) (Entered: 06/22/2018)
06/22/2018	<u>119</u>	BRIEF/MEMORANDUM in Support re <u>118</u> MOTION for Summary Judgment –PARTIAL–, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 06/22/2018)
07/12/2018	<u>120</u>	NOTICE of Filing Expert Witness Disclosure by All Plaintiffs (Falk, Kenneth) (Entered: 07/12/2018)
07/13/2018	<u>121</u>	Unopposed MOTION for Extension of Time to File Reply to August 3, 2018 re <u>118</u> MOTION for Summary Judgment –PARTIAL–, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(Friedrich, David) (Entered: 07/13/2018)
07/17/2018	<u>122</u>	ORDER granting <u>121</u> Motion for Extension of Time to File Reply to 8/3/2018 re <u>118</u> MOTION for Summary Judgment –PARTIAL–.. Signed by Judge Jane Magnus–Stinson on 7/16/2018. (DWH) (Entered: 07/17/2018)
07/27/2018	<u>123</u>	Second MOTION for Extension of Time to August 17, 2018, filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order Second)(Friedrich, David) (Entered: 07/27/2018)
07/30/2018	<u>124</u>	ORDER FOR EXTENSION OF TIME – Granting <u>123</u> Motion for Extension of Time to respond to the Plaintiff's motion for partial summary judgment <u>118</u> . The time within which said Defendants are required to respond to the Plaintiff's motion for partial summary judgment is extended to August 17, 2018. (See Order.) Signed by Judge Jane Magnus–Stinson on 7/30/2018. (DMW) (Entered: 07/30/2018)
08/03/2018	<u>125</u>	Joint MOTION for Extension of Time to October 12, 2018 to File Final Witness and Exhibit Lists, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 08/03/2018)
08/07/2018	<u>126</u>	ORDER – The Court hereby GRANTS IN PART and DENIES IN PART the <u>125</u> Motion for Extension of Time to File Final Witness and Exhibit Lists, and the approved Case Management Order as amended [Dkts. <u>75</u> , <u>87</u> & <u>108</u>], is hereby

		further amended as follows: All parties shall file and serve their final witness and exhibit lists on or before September 4, 2018. The parties are once again reminded that they should not anticipate any further revision of the case deadlines. [See Dkt. <u>108</u> at 2.] (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 8/7/2018. (DMW) (Entered: 08/07/2018)
08/08/2018	<u>127</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Kenneth J. Falk hereby notifies the Clerk of the court of changed contact information. (Falk, Kenneth) (Entered: 08/08/2018)
08/13/2018	<u>128</u>	STIPULATION <i>as to Photographs-REVISED-</i> , re <u>117</u> Stipulation, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 08/13/2018)
08/13/2018	<u>129</u>	STIPULATION <i>as to Cell Measurements</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Cell measurements)(Falk, Kenneth) (Entered: 08/13/2018)
08/15/2018	<u>130</u>	Stipulation of Exhibits in Support of <u>131</u> Response in Opposition to <u>118</u> MOTION for Summary Judgment - <i>PARTIAL-</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Exhibit A National Institute of Corrections Local Systems Assessment, # <u>2</u> Exhibit B-1 Preliminary Design Packets, # <u>3</u> Exhibit B-2 Preliminary Design Packets, # <u>4</u> Exhibit C Vigo County, Indiana Jail and Criminal Justice System Assessment)(Friedrich, David) Modified docket text on 8/15/2018 (JD). (Entered: 08/15/2018)
08/16/2018	<u>131</u>	RESPONSE in Opposition re <u>118</u> MOTION for Summary Judgment - <i>PARTIAL-</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Exhibit Bill Thoma Deposition, # <u>2</u> Exhibit Jon R. Mavel Affidavit)(Friedrich, David) (Entered: 08/16/2018)
08/29/2018	<u>132</u>	REPLY in Support of Motion re <u>118</u> MOTION for Summary Judgment - <i>PARTIAL-</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 08/29/2018)
08/30/2018	<u>133</u>	MOTION <i>for Oral Argument</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 08/30/2018)
09/03/2018	<u>135</u>	Witness List - <i>Final-</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB, Exhibit List - <i>Final-</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 09/03/2018)
09/04/2018	<u>136</u>	Witness List <i>Final</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 09/04/2018)
09/04/2018	<u>137</u>	Exhibit List <i>Final</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Friedrich, David) (Entered: 09/04/2018)

09/04/2018	<u>140</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 9/4/2018. Parties discussed status of matter. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 09/07/2018)
09/05/2018	<u>138</u>	PROCEDURES AND PRACTICES before Judge Jane Magnus–Stinson. (MRI) (Entered: 09/05/2018)
09/05/2018	<u>139</u>	Order / Notice of Hearing – Granting <u>133</u> Motion for Oral Argument. Oral argument on plaintiffs' motion for partial summary judgment (Dkt. <u>118</u>) shall be held on September 21, 2018, at 10:00 A.M. in Room 131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana, before Judge Jane Magnus– Stinson. Signed by Judge Jane Magnus–Stinson on 9/5/2018. (DMW) (Entered: 09/05/2018)
09/10/2018	<u>141</u>	ENTRY SETTING TRIAL AND FINAL PRETRIAL CONFERENCE: This cause is hereby set for a Jury Trial before Chief Judge Jane Magnus– Stinson on April 15, 2019 at 9:00 a.m. in Room 131 of the U.S. Courthouse, 921 Ohio Street, Terre Haute, Indiana. A Final Pretrial Conference is also set for March 15, 2019 at 11:00 a.m. in Room 307 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Counsel are reminded of the required pretrial preparation deadlines set forth in the case management plan. Counsel are further reminded to review the undersigned's Practices and Procedures, available at dkt <u>138</u> . Signed by Judge Jane Magnus–Stinson on 9/10/2018. (DMW) (Entered: 09/10/2018)
09/10/2018	<u>142</u>	First MOTION <i>to BE EXCUSED FROM SUMMARY JUDGMENT HEARING</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) Modified on 9/11/2018 (DWH). (Entered: 09/10/2018)
09/11/2018	<u>143</u>	ORDER GRANTING REQUEST TO BE EXCUSED FROM SUMMARY JUDGMENT HEARING – The Court having considered the Request of Counsel Sutherlin to be excused from the Summary Judgment hearing and being otherwise duly advised on the matter, hereby grants said request <u>142</u> . Signed by Judge Jane Magnus–Stinson on 9/11/2018. (DMW) (Entered: 09/11/2018)
09/18/2018	<u>144</u>	ENTRY RE–SETTING HEARING – The hearing on Plaintiffs' Motion for Partial Summary Judgment is RESET as to location only. It will take place on September 21, 2018 at 10:00 a.m. in Room 307 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge Jane Magnus–Stinson on 9/18/2018.(DWH) (Entered: 09/18/2018)
09/24/2018	<u>145</u>	MINUTE ORDER for proceedings held before Judge Jane Magnus–Stinson: On September 21, 2018, the Court held a hearing on Plaintiffs' Motion for Partial Summary Judgment. Plaintiffs were present by counsel Kenneth Falk. Defendant Sheriff Greg Ewing was present by counsel Craig McKee, David Friedrich, and Michael Wright. Defendants the Vigo County Commissioners, the Vigo County Council, and the named individual Vigo County Commissioners and Vigo County Council members were present by counsel David Friedrich and Michael Wright. The Court will require the parties to report to the Court on a periodic basis regarding construction of the new jail and efforts to minimize constitutional violations in the meantime through the hiring of additional staff, increased recreation, and increased medical and safety checks. The first such report will take place at a hearing on November 13, 2018 at 1:00 p.m. in Room 131 of the United States Courthouse, 921 Ohio Street, Terre Haute, Indiana. The Sheriff, the Presidents of the Vigo County Commissioners and the Vigo County Council, and any other individuals who possess information necessary to provide a complete report to the Court are ORDERED to be present at the hearing.The Court also ORDERED that, to the extent elections in November affect which individuals should be named as defendants in this case, the parties must confer and file a notice reflecting which parties should be substituted in as defendants. (SEE ORDER FOR MORE DETAILS.) Signed by Judge Jane Magnus–Stinson. (Court Reporter Jean Knepley.)(MRI) (Entered: 09/25/2018)
10/10/2018	<u>146</u>	ORDER granting <u>118</u> Motion for Partial Summary Judgment – SEE ORDER. Signed by Judge Jane Magnus–Stinson on 10/10/2018. (JRB) (Entered: 10/10/2018)
10/15/2018	<u>147</u>	ENTRY RESETTING HEARING TO INDIANAPOLIS – The November 13, 2018 hearing on plaintiff's motion for partial summary judgment at 1:00 p.m. is moved to

		Room 307, U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Recent developments prevent the Court from travelling to Terre Haute that day. Signed by Judge Jane Magnus-Stinson on 10/15/2018. (DMW) (Entered: 10/15/2018)
11/06/2018	<u>148</u>	REPORT <i>Periodic Report Pursuant to Court's Order</i> by All Defendants. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Friedrich, David) (Entered: 11/06/2018)
11/09/2018	<u>149</u>	MOTION to File Response to Defendants' Periodic Report, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Response to Periodic Report, # <u>3</u> Exhibit to Response- Population Reports, # <u>4</u> Exhibit to Response- RJS Final Report)(Falk, Kenneth) (Entered: 11/09/2018)
11/09/2018	<u>150</u>	Unopposed MOTION for Extension of Time to November 16, 2018 to File Motion for Attorneys' Fees and Costs, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 11/09/2018)
11/13/2018	<u>151</u>	ORDER – granting <u>149</u> Motion to File Response to Defendants' Periodic Report. The plaintiffs' Response to Defendants' Periodic Report is deemed FILED [149–2]. Signed by Judge Jane Magnus-Stinson on 11/13/2018. (RSF) (Entered: 11/13/2018)
11/13/2018	<u>152</u>	RESPONSE re <u>148</u> Defendants' Periodic Report, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (RSF) (Entered: 11/13/2018)
11/13/2018	<u>153</u>	ORDER – Granting <u>150</u> Unopposed Motion to Extend Time for One Week to File Motion for Attorneys' Fees and Costs. The plaintiffs' shall file their motion for attorneys' fees and costs on, or before, November 16, 2018. Signed by Judge Jane Magnus-Stinson on 11/13/2018. (DMW) (Entered: 11/13/2018)
11/15/2018	<u>154</u>	MINUTE ORDER for proceedings held before Judge Jane Magnus-Stinson: On November 13, 2018, the Court held a hearing to discuss Defendants' periodic report regarding construction of a new jail and efforts to minimize constitutional violations in the meantime. Plaintiffs were present by counsel Kenneth Falk. Defendant Sheriff Greg Ewing was present by counsel Craig McKee and Michael Wright. Defendants the Vigo County Commissioners, the Vigo County Council, and the named individual Vigo County Commissioners and Vigo County Council members were present by counsel Michael Wright. The Court Reporter was Jean Knepley. The Court heard Defendants' report regarding the hiring of 27 new staff members and the potential re-zoning of land for the new jail. It also heard Plaintiffs' response to the report, including certain concerns they have regarding staffing at the Vigo County Jail and the design of a new jail. Based on the parties' statements, the Court ORDERED Defendants to file a Report by December 19, 2018 setting forth the status of the zoning issue involving the land for the new jail. The next status hearing shall take place on February 13, 2019 at 9:00 a.m. in Room 131 of the United States Courthouse, 921 Ohio Street, Terre Haute, Indiana. The Defendants should be prepared to report on the progress of the additional staffing and its impact on the issues of prisoner safety, recreation, and classification. The Sheriff, the Presidents of the Vigo County Commissioners and the Vigo County Council, and any other individuals who possess information necessary to provide a complete report to the Court are ORDERED to be present at the hearing. Signed by Judge Jane Magnus-Stinson. (Court Reporter Jean Knepley.)(MRI) (Entered: 11/15/2018)
11/15/2018	<u>155</u>	MOTION for Attorney Fees and Costs, filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Declaration of Michael Sutherlin, # <u>2</u> Declaration of Kenneth Falk, # <u>3</u> Declaration of Bradley Lohmeier, # <u>4</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 11/15/2018)
11/15/2018	<u>156</u>	BRIEF/MEMORANDUM in Support re <u>155</u> MOTION for Attorney Fees and Costs , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Falk, Kenneth) (Entered: 11/15/2018)

11/29/2018	<u>157</u>	Unopposed MOTION for Extension of Time to File Response to December 10, 2018 re <u>155</u> MOTION for Attorney Fees <i>and Costs</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order order)(Friedrich, David) (Entered: 11/29/2018)
11/30/2018	<u>158</u>	ORDER granting <u>157</u> Motion for Extension of Time to File Response to <u>155</u> MOTION for Attorney Fees <i>and Costs</i> to 12/10/18. Signed by Judge Jane Magnus-Stinson on 11/30/2018. (JRB) (Entered: 11/30/2018)
12/07/2018	<u>159</u>	Second MOTION for Extension of Time to File Response to December 17, 2018 re <u>155</u> MOTION for Attorney Fees <i>and Costs Unopposed</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order Second Motion)(Friedrich, David) (Entered: 12/07/2018)
12/11/2018	<u>160</u>	ORDER FOR EXTENSION OF TIME – Granting <u>159</u> second unopposed motion for extension of time to respond to the Plaintiff's motion for attorneys' fees and costs. The time within which said Defendants are required to respond to the Plaintiff's motion for attorneys' fees and costs is extended to December 17, 2018. (See Order.) Signed by Judge Jane Magnus-Stinson on 12/11/2018. (DMW) (Entered: 12/11/2018)
12/17/2018	<u>161</u>	STIPULATION <i>Concerning Payment of Attorneys Fees and Costs</i> , re <u>155</u> MOTION for Attorney Fees <i>and Costs</i> , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(Friedrich, David) (Entered: 12/17/2018)
12/19/2018	<u>162</u>	STATUS REPORT <i>Pursuant to Court's November 15, 2018 order</i> by All Defendants. (Friedrich, David) (Entered: 12/19/2018)
12/19/2018	<u>163</u>	ORDER – The parties, having filed their Stipulation Concerning Payment of Attorneys' Fees and Costs, and the Court having read the motion, and being duly advised, finds that good cause exists to grant it <u>161</u> . \$75,000 will be paid to resolve plaintiffs' claims for attorneys' fees and costs through the date of filing the Stipulation. These sums shall be paid no later than December 31, 2018. In the event that payment is not made by that time the defendants are ordered to pay the sum of \$90,700.13 to be distributed as noted in the Motion for Attorneys' Fees and Costs filed in this case on November 15, 2018. (Dkt. No. <u>155</u>). (See Order.) Signed by Judge Jane Magnus-Stinson on 12/19/2018. (DMW) (Entered: 12/19/2018)
12/26/2018	<u>164</u>	MARGINAL ENTRY on <u>162</u> Status Report – Defendants shall provide the status of determining an alternate location on or before January 14, 2019. Signed by Judge Jane Magnus-Stinson on 12/26/2018.(JRB) (Entered: 12/26/2018)
01/14/2019	<u>165</u>	STATUS REPORT <i>on determining an alternate site</i> by All Defendants. (Wright, Michael) (Entered: 01/14/2019)
01/15/2019	<u>166</u>	MARGINAL ENTRY – The Defendants' Status Report is acknowledged and appreciated <u>165</u> . Signed by Judge Jane Magnus-Stinson on 1/15/2019. (DMW) (Entered: 01/15/2019)
01/16/2019	<u>167</u>	***PLEASE DISREGARD. WITHDRAWN AT <u>169</u> .*** First MOTION to Appoint Counsel , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) Modified on 1/17/2019 (DMW). (Entered: 01/16/2019)
01/16/2019	<u>168</u>	First MOTION to Withdraw <u>167</u> <i>Motion to Appoint Kenneth J. Falk as Additional Class Counsel for the Purpose of Seeking Declaratory and Injunctive Relief</i> , filed by Plaintiffs THOMAS BOLTON, JR, CURTIS GILLIE, DEREK HICKS, JAUSTON HUERTA, DURAND RANDLE, CARL SHERB. (Attachments: # <u>1</u> Text of Proposed Order)(Sutherlin, Michael) Modified on 1/17/2019 to add link to Dkt. 167(DMW).

		(Entered: 01/16/2019)
01/17/2019	<u>169</u>	ORDER – Granting <u>168</u> Plaintiffs' motion requesting withdrawal of their second motion to appoint Ken Falk as additional class counsel. The Clerk is directed to show Plaintiffs' second Motion to Appoint Kenneth J. Falk as Additional Class Counsel [Dkt. <u>167</u>] as WITHDRAWN from the docket. Signed by Magistrate Judge Mark J. Dinsmore on 1/17/2019. (DMW) (Entered: 01/17/2019)
01/29/2019	<u>170</u>	SCHEDULING ORDER – SETTLEMENT CONFERENCE: Settlement Conference set for 2/25/2019 at 12:30 PM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Magistrate Judge Mark J. Dinsmore. Unless excused by order of the court, clients or client representatives with complete authority to negotiate and communicate a settlement shall attend the settlement conference along with their counsel. (See Order for additional information and deadlines.) Signed by Magistrate Judge Mark J. Dinsmore on 1/29/2019. (DMW) (Entered: 01/30/2019)
02/08/2019	<u>171</u>	MOTION to Substitute Party , filed by Defendants BRAD ANDERSON, JUDY ANDERSON, MARK D. BIRD, RICK BURGER, TIMOTHY CURLEY, GREG EWING, JON MARVEL, KATHY MILLER, MIKE MORRIS, ED PING, BILL THOMAS, VIGO COUNTY COMMISSIONERS, VIGO COUNTY COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(Friedrich, David) (Entered: 02/08/2019)
02/11/2019	<u>172</u>	ENTRY – In light of the upcoming February 25, 2019 settlement conference, the February 13, 2019 status conference will be VACATED and reset at a date following the settlement conference. Signed by Judge Jane Magnus–Stinson on 2/11/2019. (DMW) (Entered: 02/11/2019)
02/13/2019	<u>173</u>	ORDER to Make Inmate Available – via Telephone. Warden of Putnamville Correctional Facility ordered to make Jauston Huerta 954787 Available – via Telephone for court proceeding on 2/25/2019 at 12:30 p.m. (Eastern). (See Order.) Copy via U.S. Mail pursuant to distribution list. Signed by Magistrate Judge Mark J. Dinsmore on 2/13/2019. (DMW) (Entered: 02/13/2019)

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