

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:10-cv-00358-JMS-TAB**

A.M.T. et al v. MURPHY et al  
Assigned to: Judge Jane Magnus-Stinson  
Referred to: Magistrate Judge Tim A. Baker  
Cause: 42:1983 Civil Rights Act

Date Filed: 03/25/2010  
Date Terminated: 02/10/2011  
Jury Demand: None  
Nature of Suit: 444 Civil Rights: Welfare  
(DISCONTINUED AFTER 1/7/2012)  
Jurisdiction: Federal Question

**Plaintiff**

**A. M. T.**  
*by his mother and next friend Karla T.*

represented by **Gavin Minor Rose**  
ACLU OF INDIANA  
1031 E. Washington Street  
Indianapolis, IN 46202  
317-635-4059 ext.106  
Fax: 317-635-4105  
Email: [grose@aclu-in.org](mailto:grose@aclu-in.org)  
*ATTORNEY TO BE NOTICED*

**Kenneth J. Falk**  
ACLU OF INDIANA  
1031 East Washington Street  
Indianapolis, IN 46202-3952  
(317) 635-4059 x104  
Fax: (317) 635-4105  
Email: [kfalk@aclu-in.org](mailto:kfalk@aclu-in.org)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**J. J. M.**  
*by his mother and next friend Amy M.*

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

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

**Plaintiff**

**J. M. G.**  
*by his father and next friend Michael G.,  
on their own behalf and on behalf of those  
similarly situated*

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

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

V.

**Defendant**

**MICHAEL A. GARGANO**  
*in his official capacity as Secretary of the  
Indiana Family and Social Services  
Administration*

represented by **Betsy M. Isenberg**  
INDIANA OFFICE OF THE  
ATTORNEY GENERAL  
302 West Washington Street  
IGCS - 5th Floor  
Indianapolis, IN 46204  
(317) 232-6231  
Fax: (317) 232-7979  
Email: [Betsy.Isenberg@atg.in.gov](mailto:Betsy.Isenberg@atg.in.gov)

ATTORNEY TO BE NOTICED

**Erica Sue Sullivan**  
 INDIANA ATTORNEY GENERAL  
 302 West Washington Street,  
 Indiana Government Center South  
 Fifth Floor  
 Indianapolis, IN 46204  
 317-232-6297  
 Email: [erica.sullivan@atg.in.gov](mailto:erica.sullivan@atg.in.gov)  
 ATTORNEY TO BE NOTICED

**Defendant**

**PATRICIA CASANOVA**  
*in her official capacity as Director of the  
 Office of Medicaid Policy and Planning of  
 the Indiana Family and Social Services  
 Administration*

represented by **Betsy M. Isenberg**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Erica Sue Sullivan**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/25/2010	<u>1</u>	COMPLAINT against PATRICIA CASANOVA, ANNE WALTERMAN MURPHY, filed by A. M. T., by his mother and next friend, Karla T., J. J. M. by his mother and next friend, Amy M., and J. M. G., by his father and next friend Michael G, on their own behalf and on behalf of those similarly situated. (Attachments: # <u>1</u> Exhibit 1-Excerpts from Provider Manual, # <u>2</u> Exhibit 2-Denial Notice of A.M.T., # <u>3</u> Exhibit 3-Denial Notice of J.J.M., # <u>4</u> Exhibit 4-Denial Notice of J.M.G.)(LBK) (Entered: 03/25/2010)
03/25/2010	<u>2</u>	CIVIL COVER SHEET, filed by Plaintiffs. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>3</u>	NOTICE of Appearance by Gavin Minor Rose on behalf of Plaintiffs. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>4</u>	RECEIPT #IP017334 in the amount of \$ 350.00. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>5</u>	Summons Issued as to PATRICIA CASANOVA. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>6</u>	Summons Issued as to ANNE WALTERMAN MURPHY. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>7</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (LBK) (Entered: 03/25/2010)
03/25/2010	<u>8</u>	MOTION of Parents and Next Friends to Proceed by Anonymous Name, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Affidavit (Karla T.), # <u>2</u> Affidavit (Amy M.), # <u>3</u> Affidavit (Michael G.), # <u>4</u> Text of Proposed Order)(Rose, Gavin) (Entered: 03/25/2010)
03/25/2010	<u>9</u>	BRIEF/MEMORANDUM in Support re <u>8</u> MOTION of Parents and Next Friends to Proceed by Anonymous Name, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 03/25/2010)
03/25/2010	<u>10</u>	MOTION to Certify Class, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 03/25/2010)
03/25/2010	<u>11</u>	BRIEF/MEMORANDUM in Support re <u>10</u> MOTION to Certify Class, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 03/25/2010)
03/25/2010	<u>12</u>	MOTION for Preliminary Injunction, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 03/25/2010)
03/30/2010	<u>13</u>	RETURN of Service by CMRRR, filed by A. M. T., J. J. M., J. M. G.. ANNE WALTERMAN MURPHY served on 3/29/2010. (Rose, Gavin) (Entered: 03/30/2010)

03/30/2010	<u>14</u>	RETURN of Service by CMRRR, filed by A. M. T., J. J. M., J. M. G.. PATRICIA CASANOVA served on 3/29/2010. (Rose, Gavin) (Entered: 03/30/2010)
03/30/2010	<u>15</u>	ORDER granting Plaintiff's <u>8</u> Motion to Proceed by Anonymous Names and to Seal Affidavits Containing Actual Names (S.O.). Signed by Judge Sarah Evans Barker on 3/30/2010. (MAC) (Entered: 03/30/2010)
03/30/2010	<u>16</u>	Entry setting Briefing Schedule and Notice of Hearing on Plaintiffs' Motion for Preliminary Injunction. Plaintiffs' Brief shall be filed by 4/16/2010. Defendants' Response shall be filed by 5/14/2010 and Plaintiffs' Reply Brief shall be filed by 5/21/2010. SCHEDULING ORDER: Hearing set for 5/28/2010 10:00 AM in room #216 before Judge Sarah Evans Barker. Signed by Judge Sarah Evans Barker on 3/30/2010.(MAC) (Entered: 03/30/2010)
03/30/2010	<u>17</u>	SEALED <i>Notice of Filing of Affidavits Containing Real Names of Parents and Next Friends</i> , re <u>15</u> Order on Motion, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Affidavit (Karla T.), # <u>2</u> Affidavit (Amy M.), # <u>3</u> Affidavit (Michael G.))(Rose, Gavin) (Entered: 03/30/2010)
04/09/2010	<u>18</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 04/09/2010)
04/09/2010	<u>19</u>	NOTICE of Service of Sealed Affidavits, filed by Plaintiffs J. M. G., J. J. M., A. M. T., re <u>17</u> SEALED Document. (Rose, Gavin) (Entered: 04/09/2010)
04/09/2010	<u>20</u>	NOTICE of Appearance by Eric James Beaver on behalf of Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Beaver, Eric) (Entered: 04/09/2010)
04/09/2010	<u>21</u>	MOTION for Extension of Time to April 27, 2010 to file response to <u>10</u> MOTION to Certify Class, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Attachments: # <u>1</u> Text of Proposed Order)(Isenberg, Betsy) (Entered: 04/09/2010)
04/15/2010	<u>22</u>	MOTION for Discovery ( <i>Expedited Discovery</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Exhibit 1 (Proposed Discovery Request), # <u>2</u> Text of Proposed Order)(Rose, Gavin) (Entered: 04/15/2010)
04/16/2010	<u>23</u>	BRIEF/MEMORANDUM in Support re <u>12</u> MOTION for Preliminary Injunction, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 04/16/2010)
04/19/2010	<u>24</u>	NOTICE of Parties' First Extension of Time, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 04/19/2010)
04/19/2010	<u>25</u>	ORDER granting Defts' <u>21</u> Motion for Extension of Time to File Response to 4/27/2010 re <u>10</u> MOTION to Certify Class. Signed by Magistrate Judge Tim A. Baker on 4/19/2010. (SWM) (Entered: 04/19/2010)
04/22/2010	<u>26</u>	SCHEDULING ORDER: Status Conference set for 4/23/2010 01:30 PM in Telephonic before Magistrate Judge Tim A. Baker. The purpose of this conference is to address case management and Plaintiff's motion for expedited discovery. [Docket No. 22.] Parties shall appear by counsel, who shall contact the Court at 317-229-3660. Signed by Magistrate Judge Tim A. Baker on 4/22/2010.(SWM) (Entered: 04/22/2010)
04/27/2010	<u>27</u>	RESPONSE in Opposition re <u>10</u> MOTION to Certify Class, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 04/27/2010)
04/28/2010	<u>28</u>	Unopposed MOTION for Extension of Time to 05/21/2010 to file reply to <u>10</u> MOTION to Certify Class, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 04/28/2010)
04/28/2010	<u>29</u>	Minute Order for proceedings held before Magistrate Judge Tim A. Baker: Telephone Status Conference held on 4/23/2010. Discussion held regarding discovery and related matters. Plaintiffs' motion for expedited discovery <u>22</u> is granted. Given the presence of a preliminary injunction hearing on May 28, 2010,

		and given the urgency of the issues presented by this case, good cause clearly exists for expedited discovery. The Defendants are ordered to produce a designated deponent or deponents pursuant to Federal Rule 30(b)(6) no later than May 12, 2010, and shall respond to Plaintiffs' request for production of documents no later than 72 hours before any scheduled deposition. Signed by Magistrate Judge Tim A. Baker. (SWM) (Entered: 04/29/2010)
05/04/2010	<u>30</u>	SCHEDULING ORDER: Conference set for 5/5/2010 11:00 AM telephonic before Magistrate Judge Tim A. Baker. The purposed of this conf is to address a discovery dispute. Signed by Magistrate Judge Tim A. Baker on 5/4/2010.(CBU) (Entered: 05/04/2010)
05/10/2010	<u>31</u>	ORDER granting pltfs' <u>28</u> Motion for Extension of Time to File Reply to 5/21/2010 re <u>10</u> MOTION to Certify Class. Signed by Magistrate Judge Tim A. Baker on 5/10/2010. (SWM) (Entered: 05/10/2010)
05/14/2010	<u>32</u>	RESPONSE in Opposition re <u>12</u> MOTION for Preliminary Injunction, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 05/14/2010)
05/17/2010	<u>33</u>	MOTION to Dismiss, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 05/17/2010)
05/17/2010	<u>34</u>	BRIEF/MEMORANDUM in Support re <u>33</u> MOTION to Dismiss, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 05/17/2010)
05/20/2010	<u>35</u>	Minute Order for proceedings held before Magistrate Judge Tim A. Baker: Telephonic Status Conference held on 5/5/2010. Discussion held regarding discovery and related matters. Defendants objected to two categories of discovery sought by Plaintiffs. Argument held, and the Court ruled as follows (see Order). Signed by Magistrate Judge Tim A. Baker.(SWM) (Entered: 05/21/2010)
05/21/2010	<u>36</u>	STIPULATION, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY, Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Exhibit 1 (405 IAC 5-22-6(b)(7) denials), # <u>2</u> Exhibit 2 (405 IAC 5-22-6(b)(6) denials))(Rose, Gavin) (Entered: 05/21/2010)
05/21/2010	<u>37</u>	NOTICE <i>Designation of Evidence in Support of Motion for Preliminary Injunction and Motion for Class Certification</i> , filed by Plaintiffs J. M. G., J. J. M., A. M. T., re <u>10</u> MOTION to Certify Class, <u>12</u> MOTION for Preliminary Injunction. (Attachments: # <u>1</u> Exhibit 3 (Part 1 of 2) (Dep. of Jeremy Brown - Tr. & Exhs 1 - 2), # <u>2</u> Exhibit 3 (Part 2 of 2) (Dep. of Jeremy Brown - Exhs 3 - 7), # <u>3</u> Exhibit 4 (Aff. of Dr. Susan Caldecott Dieterich), # <u>4</u> Exhibit 5 (Aff. of Dr. Laura J. Wilner), # <u>5</u> Exhibit 6 (Aff. of Kimberli Curtis), # <u>6</u> Exhibit 7 (Aff. of Raquel Ravinet), # <u>7</u> Exhibit 8 (Supp. Aff. of Karla T.), # <u>8</u> Exhibit 9 (Supp. Aff. of Amy M.), # <u>9</u> Exhibit 10 (Supp. Aff. of Michael G.)) (Rose, Gavin) (Entered: 05/21/2010)
05/21/2010	<u>38</u>	REPLY in Support of Motion re <u>10</u> MOTION to Certify Class, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 05/21/2010)
05/21/2010	<u>39</u>	REPLY in Support of Motion re <u>12</u> MOTION for Preliminary Injunction, <u>33</u> MOTION to Dismiss ( <i>Reply in Support of Motion for Preliminary Injunction and Response in Opposition to Motion to Dismiss</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 05/21/2010)
05/27/2010	<u>40</u>	NOTICE of Appearance by Kenneth J. Falk on behalf of Plaintiffs J. M. G., J. J. M., A. M. T.. (Falk, Kenneth) (Entered: 05/27/2010)
05/28/2010	<u>41</u>	MOTION for Leave to File <i>Surreply in Opposition to Plaintiffs' Motion for Class Certification</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Surreply in Opposition to Plaintiffs' Motion for Class Certification)(Isenberg, Betsy) (Entered: 05/28/2010)
05/28/2010	<u>43</u>	Minute Entry for proceedings held before Judge Sarah Evans Barker on 5/28/2010: On this date, the parties appeared by counsel for a hearing on Plaintiffs' Motion for Preliminary Injunction. Prior to the hearing, at the behest of the Court, counsel

		conferred in chambers. As a result of said discussions, an agreement was reached with respect to the pending preliminary matters. There being no need to proceed with the hearing, the attorneys were dismissed and the hearing cancelled. (TRG) (Entered: 06/01/2010)
05/31/2010	<u>42</u>	REPLY in Support of Motion re <u>33</u> MOTION to Dismiss, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 05/31/2010)
06/15/2010	<u>44</u>	Reassignment of Case to Judge Jane Magnus-Stinson. Judge Sarah Evans Barker no longer assigned to the case. Please include the new case number (1:10-cv-00358-JMS-TAB), which includes the initials of the newly assigned judge, on all future filings in this matter. (SWM) (Entered: 06/16/2010)
06/30/2010	<u>45</u>	SCHEDULING ORDER: Status Conference set for 7/12/2010 10:30 AM in Telephonic before Magistrate Judge Tim A. Baker. The purpose of this conference is to address case status and settlement. Parties shall appear by counsel, who shall contact the Court at 317-229-3660. Signed by Magistrate Judge Tim A. Baker on 6/30/2010.(SWM) (Entered: 06/30/2010)
06/30/2010	<u>46</u>	ORDER granting defts Anne Waltermann Murphy and Patricia Casanova's <u>41</u> Motion for Leave to File Surreply in Opposition to Motion for Class Certification. Signed by Magistrate Judge Tim A. Baker on 6/30/2010. (SWM) (Entered: 06/30/2010)
06/30/2010	<u>47</u>	Surreply re <u>10</u> MOTION to Certify Class, filed by Defendants PATRICIA CASANOVA and ANNE WALTERMAN MURPHY. (SWM) (Entered: 06/30/2010)
07/15/2010	<u>48</u>	Minute Order for proceedings held before Magistrate Judge Tim A. Baker: Telephonic Status Conference held on 7/12/2010. Discussion held regarding settlement and related matters. The parties shall file a status report in 30 days addressing the status of settlement and the need for and timing of a settlement conference. Signed by Magistrate Judge Tim A. Baker.(SWM) (Entered: 07/16/2010)
08/16/2010	<u>49</u>	MOTION for Extension of Time to August 30, 2010 <i>to Submit Joint Status Report</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Attachments: # <u>1</u> Text of Proposed Order)(Isenberg, Betsy) (Entered: 08/16/2010)
08/17/2010	<u>50</u>	ORDER granting Defendants Anne Waltermann Murphy and Patricia Casanova's <u>49</u> Motion for Extension of Time to submit joint status report concerning settlement to 8/30/2010. Signed by Magistrate Judge Tim A. Baker on 8/17/2010. (SWM) (Entered: 08/18/2010)
08/30/2010	<u>51</u>	Second MOTION for Extension of Time to September 13, 2010 <i>to Submit Joint Status Report</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Attachments: # <u>1</u> Text of Proposed Order)(Isenberg, Betsy) (Entered: 08/30/2010)
09/01/2010	<u>52</u>	ORDER granting defts' <u>51</u> Motion for Extension of Time to submit a joint status report regarding the status of settlement to 9/13/2010. Signed by Magistrate Judge Tim A. Baker on 9/1/2010. (SWM) (Entered: 09/01/2010)
09/09/2010	<u>53</u>	STATUS REPORT by PATRICIA CASANOVA, J. M. G., J. J. M., ANNE WALTERMAN MURPHY, A. M. T.. (Rose, Gavin) (Entered: 09/09/2010)
09/14/2010	<u>54</u>	SCHEDULING ORDER: Hearing on pending motions is set for 9/22/2010 01:00 PM in room #307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Jane Magnus-Stinson. Counsel shall have 20 minutes per side. Signed by Judge Jane Magnus-Stinson on 9/14/2010.(CBU) (Entered: 09/14/2010)
09/20/2010	<u>55</u>	STIPULATION ( <i>Second</i> ), filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY, Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 09/20/2010)

09/23/2010	<u>56</u>	Minute Order for proceedings held before Judge Jane Magnus-Stinson: The parties appeared by counsel to present oral argument on pending motions. Plaintiffs orally moved to withdraw their Motion for Preliminary Injunction, [dkt. 12], and the Court ORDERED the motion WITHDRAWN WITHOUT PREJUDICE. The Court heard oral argument on Defendants' Motion to Dismiss, [dkt. 33], and Plaintiffs' Motion to Certify Class, [dkt. 10], and took both of those motions UNDER ADVISEMENT. Signed by Judge Jane Magnus-Stinson. (Court Reporter Jean Knepley.)(LBK) (Entered: 09/23/2010)
09/28/2010	<u>57</u>	ORDER granting in part and denying in part <u>33</u> Motion to Dismiss; taking under advisement <u>10</u> Motion to Certify Class. (See Order) The Court ORDERS the Plaintiffs to file a more definite statement within fourteen days. Signed by Judge Jane Magnus-Stinson on 9/28/2010. (TMA) (Entered: 09/29/2010)
10/01/2010	<u>58</u>	Statement ( <i>More Definite Statement Concerning Legal Claims</i> ) by J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 10/01/2010)
10/03/2010	<u>59</u>	ORDER. Plaintiffs' statement, [Dkt. 58 at 2], substantively satisfies the concerns outlined in the Court's 9/28/2010 Order. Because the FSSA has not yet answered Plaintiffs' Complaint, and to ensure that all parties are operating under the same controlling allegations, the Court ORDERS Plaintiffs to file a comprehensive amended complaint within seven days of the date of this Order. Additionally, the Court ORDERS Plaintiffs to file a statement contemporaneously with their amended complaint setting forth their position on whether the allegations in the amended complaint affect their pending Motion for Class Certification. The FSSA should answer or otherwise plead to Plaintiffs' Amended Complaint within 21 days of the date on which Plaintiffs' amended complaint is filed and, at the time of its answer, also file its own statement setting forth its position on whether the allegations in Plaintiffs' amended complaint affect the pending Motion for Class Certification. Signed by Judge Jane Magnus-Stinson on 10/3/2010.(LBK) (Entered: 10/04/2010)
10/11/2010	<u>60</u>	AMENDED COMPLAINT ( <i>First Amended Class Action Complaint for Declaratory and Injunctive Relief</i> ) against PATRICIA CASANOVA, ANNE WALTERMAN MURPHY, filed by A. M. T., J. J. M., J. M. G.. (Attachments: # <u>1</u> Exhibit 1 (Excerpts from Provider Manual), # <u>2</u> Exhibit 2 (Denial Notice of A.M.T.), # <u>3</u> Exhibit 3 (Denial Notice of J.J.M.), # <u>4</u> Exhibit 4 (Denial Notice of J.M.G.))(Rose, Gavin) (Entered: 10/11/2010)
10/11/2010	<u>61</u>	MOTION ( <i>Renewed Motion of Parents and Next Friends to Proceed by Anonymous Names</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 10/11/2010)
10/11/2010	<u>62</u>	Statement <i>Concerning Class Certification (and Renewed Motion for Class Certification)</i> by J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 10/11/2010)
10/12/2010	<u>63</u>	ORDER: The parties are ordered to file a proposed Case Management Plan within 14 days from the date of this order. Signed by Magistrate Judge Tim A. Baker on 10/12/2010.(SWM) (Entered: 10/12/2010)
10/12/2010	<u>64</u>	MOTION for Summary Judgment, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Exhibit 11 (Second Supp. Aff. of Karla T.))(Rose, Gavin) (Entered: 10/12/2010)
10/12/2010	<u>65</u>	BRIEF/MEMORANDUM in Support re <u>64</u> MOTION for Summary Judgment, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 10/12/2010)
10/15/2010	<u>66</u>	ORDER granting pltf's and their parents and next friends' <u>61</u> Motion to proceed by anonymous names (see Order). Signed by Magistrate Judge Tim A. Baker on 10/15/2010. (SWM) (Entered: 10/18/2010)
10/22/2010	<u>67</u>	CASE MANAGEMENT PLAN TENDERED, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY, Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 10/22/2010)
10/27/2010	<u>68</u>	ORDER: CASE MANAGEMENT PLAN APPROVED AS SUBMITTED. Dispositive Motions due by 4/1/2011. Signed by Magistrate Judge Tim A. Baker on 10/27/2010.(SWM) (Entered: 10/28/2010)

10/28/2010	<u>69</u>	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE. Bench Trial set for 9/26/2011 at 09:00 AM in room #307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Jane Magnus-Stinson. Final Pretrial Conference set for 9/1/2011 at 10:00 AM in room #307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Jane Magnus-Stinson. Counsel are reminded of the required pretrial preparation deadlines set forth in paragraph VIII of the case management plan [dkt. 68]. Counsel are further reminded to review the undersigned's Practices and Procedures, available on the internet at <a href="http://www.insd.uscourts.gov/Publications/CourtroomProceduresJMS.pdf">http://www.insd.uscourts.gov/Publications/CourtroomProceduresJMS.pdf</a> . Signed by Judge Jane Magnus-Stinson on 10/28/2010.(LBK) (Entered: 10/29/2010)
10/29/2010	<u>70</u>	PROCEDURES AND PRACTICES before Judge Jane Magnus-Stinson. (LBK) (Entered: 10/29/2010)
10/29/2010	<u>71</u>	MOTION to Withdraw as Attorney, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Attachments: # <u>1</u> Text of Proposed Order)(Beaver, Eric) (Entered: 10/29/2010)
11/01/2010	<u>72</u>	NOTICE of Service of Initial Disclosures, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 11/01/2010)
11/01/2010	<u>73</u>	Exhibit List ( <i>Preliminary</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T., Witness List ( <i>Preliminary</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 11/01/2010)
11/01/2010	<u>74</u>	ANSWER to <u>60</u> Amended Complaint <i>and Statement of Defenses</i> , filed by PATRICIA CASANOVA, ANNE WALTERMAN MURPHY.(Isenberg, Betsy) (Entered: 11/01/2010)
11/01/2010	<u>75</u>	Statement <i>Regarding Class Certification</i> by PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/01/2010)
11/01/2010	<u>76</u>	NOTICE of Service of Initial Disclosures, filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/01/2010)
11/03/2010	<u>77</u>	ORDER granting <u>71</u> Motion to Withdraw as Attorney. Attorney Eric James Beaver withdrawn. Signed by Magistrate Judge Tim A. Baker on 11/3/2010. (SWM) (Entered: 11/04/2010)
11/10/2010	<u>78</u>	MOTION for Judgment on the Pleadings <i>Partial</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/10/2010)
11/10/2010	<u>79</u>	BRIEF/MEMORANDUM in Support re <u>78</u> MOTION for Judgment on the Pleadings <i>Partial</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/10/2010)
11/10/2010	<u>80</u>	MOTION to Stay <i>Briefing on Plaintiffs' Motion for Summary Judgment</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/10/2010)
11/10/2010	<u>81</u>	RESPONSE in Opposition re <u>80</u> MOTION to Stay <i>Briefing on Plaintiffs' Motion for Summary Judgment</i> , filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 11/10/2010)
11/12/2010	<u>82</u>	ORDER – Plaintiffs filed a Motion for Summary Judgment on 10/12/2010. [Dkt. 64.] Defendants filed a Motion for Partial Judgment on the Pleadings on 11/10/2010. [Dkt. 78.] Contemporaneously, Defendants also filed a Motion to Stay Briefing on Plaintiffs' Motion for Summary Judgment. [Dkt. 80.] Plaintiffs filed a response that same day, objecting to Defendants request to stay briefing on their summary judgment motion. [Dkt. 81.] The Court notes that, based on its calculation, Defendants' response to Plaintiffs' summary judgment motion is due today. Defendants should not presume that their belated motion to stay relieves them from filing a timely response to Plaintiffs' summary judgment motion. If they intend to file a reply in support of their Motion to Stay, they should do so by noon today. The Court will rule on their Motion to Stay after that time. Signed by Judge

		Jane Magnus–Stinson on 11/12/2010.(LBK) (Entered: 11/12/2010)
11/12/2010	<u>83</u>	REPLY in Support of Motion re <u>80</u> MOTION to Stay <i>Briefing on Plaintiffs' Motion for Summary Judgment</i> , filed by Defendants PATRICIA CASANOVA, ANNE WALTERMAN MURPHY. (Isenberg, Betsy) (Entered: 11/12/2010)
11/12/2010	<u>84</u>	ORDER – For the reasons discussed herein, the Court DENIES Defendants' Motion to Stay Briefing on Plaintiffs' Motion for Summary Judgment. [Dkt. 80.] The Court recognizes that it has not ruled on Plaintiffs' Motion to Certify Class and that Defendants' summary judgment response may be affected by the Court's forthcoming ruling. Therefore, the Court grants Defendants an extension of time to respond to Plaintiffs' Motion for Summary Judgment and ORDERS that they file their response within five business days of the Court's ruling on Plaintiffs' Motion to Certify Class. Signed by Judge Jane Magnus–Stinson on 11/12/2010. (LBK) (Entered: 11/12/2010)
11/15/2010	<u>85</u>	RESPONSE in Opposition re <u>78</u> MOTION for Judgment on the Pleadings <i>Partial</i> , filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 11/15/2010)
11/18/2010	<u>86</u>	ENTRY – For the reasons discussed herein, the Court ORDERS Michael A. Gargano, in his official capacity, substituted for Ann Walterman Murphy as a defendant in this action. The Clerk is directed to update the case caption to reflect this change. Patricia Casanova, in her official capacity as Director of the Office of Medicaid Policy and Planning of the FSSA, remains a defendant in this action. Signed by Judge Jane Magnus–Stinson on 11/18/2010.(LBK) (Entered: 11/18/2010)
11/22/2010	<u>87</u>	ORDER CERTIFYING CLASS ACTION. For the reasons discussed herein, the Court GRANTS Plaintiffs' Motion to Certify Class. Class is certified as described in this Order. The Court hereby DESIGNATES A.M.T., J.J.M, and J.M.G. as the representative plaintiffs for the certified class and, pursuant to Federal Rule of Civil Procedure 23(g), DESIGNATES Mr. Kenneth Falk and Mr. Gavin Rose as lead class counsel. The Court now ORDERS the parties to meet and confer with one another and, by December 3, 2010, submit a joint report in this matter setting forth a proposed plan (or alternative plans) as to what notice, if any, should be provided to the class. Additionally, pursuant to docket entry 84, FSSA has until December 1, 2010 to file a response to Plaintiffs' Motion for Summary Judgment. See Order. Signed by Judge Jane Magnus–Stinson on 11/22/2010. (LBK) (Entered: 11/22/2010)
11/24/2010	<u>88</u>	NOTICE of Appearance by Erica Sue Sullivan on behalf of Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Sullivan, Erica) (Entered: 11/24/2010)
11/24/2010	<u>89</u>	REPLY in Support of Motion re <u>78</u> MOTION for Judgment on the Pleadings <i>Partial</i> , filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 11/24/2010)
11/29/2010	<u>90</u>	Exhibit List <i>Preliminary</i> , filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO, Witness List <i>Preliminary</i> , filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 11/29/2010)
12/01/2010	<u>91</u>	MOTION <i>Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure</i> , filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Attachments: # <u>1</u> Affidavit Affidavit of Counsel Betsy Isenberg)(Isenberg, Betsy) (Entered: 12/01/2010)
12/01/2010	<u>92</u>	BRIEF/MEMORANDUM in Support re <u>91</u> MOTION <i>Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure</i> , filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 12/01/2010)
12/01/2010	<u>93</u>	RESPONSE in Opposition re <u>64</u> MOTION for Summary Judgment, filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 12/01/2010)
12/03/2010	<u>94</u>	NOTICE ( <i>Joint Report Regarding Class Notice</i> ), filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO, Plaintiffs J. M. G., J. J. M., A. M. T., re <u>87</u> Order on Motion to Certify Class. (Rose, Gavin) (Entered: 12/03/2010)



12/03/2010	<u>95</u>	ENTRY re <u>94</u> Notice (Other) filed by J. M. G., A. M. T., PATRICIA CASANOVA, MICHAEL A. GARGANO, J. J. M. The Court has reviewed the parties' Joint Report in which they agree that it is not necessary to give notice to absent class members at this time. Because the class was certified pursuant to Trial Rule 23 (b)(2), the Court finds that it is not necessary to issue notice at this time (Marginal Notation). Signed by Judge Jane Magnus-Stinson on 12/3/2010.(MAC) (Entered: 12/03/2010)
12/04/2010	<u>96</u>	RESPONSE in Opposition re <u>91</u> MOTION Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 12/04/2010)
12/09/2010	<u>97</u>	REPLY in Support of Motion re <u>64</u> MOTION for Summary Judgment, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 12/09/2010)
12/14/2010	<u>98</u>	REPLY in Support of Motion re <u>91</u> MOTION Pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 12/14/2010)
02/10/2011	<u>99</u>	ORDER granting in part and denying in part <u>64</u> Motion for Summary Judgment; denying <u>78</u> Motion for Judgment on the Pleadings; denying <u>91</u> alternative Motion. The Court denies pltf's request for attny fees. The Court grants pltf's request for permanent injunctive relief. Signed by Judge Jane Magnus-Stinson on 2/10/2011. (CBU) (Entered: 02/10/2011)
02/10/2011	<u>100</u>	PERMANENT INJUNCTION and FINAL JUDGMENT –The Court enters Final Judgment in favor of pltf's and the class and against defts to the extent that pltf's sought relief in their Amended Complt. The Court Grants pltf's request for permanent injunction. Signed by Judge Jane Magnus-Stinson on 2/10/2011.(CBU) (Entered: 02/10/2011)
02/11/2011	<u>101</u>	MOTION to Amend/Correct ( <i>Motion to Amend Judgment</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 02/11/2011)
02/11/2011	<u>102</u>	BRIEF/MEMORANDUM in Support re <u>101</u> MOTION to Amend/Correct ( <i>Motion to Amend Judgment</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 02/11/2011)
02/23/2011	<u>103</u>	MOTION for Attorney Fees and Costs, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Exhibit 1 (Aff. of Gavin M. Rose), # <u>2</u> Exhibit 2 (Aff. of Kenneth J. Falk), # <u>3</u> Exhibit 3 (Aff. of Richard A. Waples))(Rose, Gavin) (Entered: 02/23/2011)
02/23/2011	<u>104</u>	BRIEF/MEMORANDUM in Support re <u>103</u> MOTION for Attorney Fees and Costs, filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 02/23/2011)
02/28/2011	<u>105</u>	RESPONSE in Opposition re <u>101</u> MOTION to Amend/Correct ( <i>Motion to Amend Judgment</i> ), filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 02/28/2011)
03/06/2011	<u>106</u>	REPLY in Support of Motion re <u>101</u> MOTION to Amend/Correct ( <i>Motion to Amend Judgment</i> ), filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 03/06/2011)
03/14/2011	<u>107</u>	RESPONSE in Opposition re <u>103</u> MOTION for Attorney Fees and Costs, filed by Defendants PATRICIA CASANOVA, MICHAEL A. GARGANO. (Isenberg, Betsy) (Entered: 03/14/2011)
03/15/2011	<u>108</u>	ENTRY. Presently pending before the Court are Plaintiffs' Motion to Amend Judgment and Motion for Attorney Fees. [Dkts. 101, 103.] In response to Plaintiffs' Motion for Attorney Fees, Defendants ask the Court to allow the parties to confer on the issue of attorney fees and costs before issuing an order on fees. [Dkt. 107 at 1 n.1.] To that end, the Court refers this matter to Magistrate Judge Baker to confer with the parties to facilitate resolution of the attorney fees issue at his earliest convenience. Signed by Judge Jane Magnus-Stinson on 3/15/2011.(LBK) (Entered: 03/16/2011)

03/16/2011	<u>109</u>	SCHEDULING ORDER: Pretrial Conference set for 3/29/2011 09:30 AM in room #234, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Tim A. Baker. The purpose of this conference is to address Plaintiffs' motion to amend the judgment [Docket No. 101] and Plaintiffs' motion for attorneys' fees and costs. [Docket No. 103.] Signed by Magistrate Judge Tim A. Baker on 3/16/2011.(SWM) (Entered: 03/16/2011)
03/16/2011	<u>110</u>	ORDER VACATING AND RESETTING CONFERENCE: The Court, on its own motion, vacates the pretrial conference set for 9:30 a.m. on March 29, 2011, and resets this conference for 1:30 p.m. on March 31, 2011. All requirements in the order originally setting this conference shall remain in effect. Signed by Magistrate Judge Tim A. Baker on 3/16/2011.(SWM) (Entered: 03/17/2011)
03/17/2011	<u>111</u>	REPLY in Support of Motion re <u>103</u> MOTION for Attorney Fees <i>and Costs</i> , filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Rose, Gavin) (Entered: 03/17/2011)
03/31/2011	<u>112</u>	Minute Order for proceedings held before Magistrate Judge Tim A. Baker: Pretrial Conference held on 3/31/2011. Discussion held regarding settlement and related matters. Status Conference set for 4/14/2011 02:00 PM in Telephonic before Magistrate Judge Tim A. Baker. Parties shall participate in this conference by counsel, who shall call the Court at 317-229-3660. The purpose of this conference is to address settlement. Signed by Magistrate Judge Tim A. Baker.(SWM) (Entered: 04/01/2011)
04/14/2011	<u>113</u>	ORDER: The Court, on its own motion, hereby vacates the telephonic status conference set for April 14, 2011, at 2:00 p.m. Signed by Magistrate Judge Tim A. Baker on 4/14/2011.(SWM) (Entered: 04/14/2011)
06/09/2011	<u>114</u>	Unopposed MOTION to Withdraw <u>101</u> MOTION to Amend/Correct ( <i>Motion to Amend Judgment</i> ), <u>103</u> MOTION for Attorney Fees <i>and Costs</i> , filed by Plaintiffs J. M. G., J. J. M., A. M. T.. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 06/09/2011)
06/10/2011	<u>115</u>	ORDER withdrawing pltfs and the certified class' <u>101</u> Motion to Amend Judgment; withdrawing pltfs and the certified class' <u>103</u> Motion for Attorney Fees; granting pltfs and the certified class' <u>114</u> Motion to Withdraw Dkt. Nos. 101 and 103. Signed by Magistrate Judge Tim A. Baker on 6/10/2011. (SWM) (Entered: 06/13/2011)

Case #: 1:10-cv-00358-JMS-TAB