

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:15-cv-01874-SEB-MPB**

JACKSON v. SECRETARY OF THE INDIANA FAMILY
AND SOCIAL SERVICES ADMINISTRATION

Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Matthew P. Brookman
Cause: 42:1983 Civil Rights Act

Date Filed: 11/25/2015

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Defendant

**SECRETARY OF THE INDIANA
FAMILY AND SOCIAL SERVICES
ADMINISTRATION**

in his official capacity

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Intervenor Plaintiff

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Date Filed	#	Docket Text
11/25/2015	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief (Class Action) against SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION, filed by SARAH JACKSON. (Filing fee \$400, receipt number 0756-3686215) (Attachments: # <u>1</u> Exhibit 1 (CMS Notice), # <u>2</u> Exhibit 2 (2014 FSSA Policy), # <u>3</u> Exhibit 3 (2015 FSSA Policy), # <u>4</u> Exhibit 4 (Denial Notice), # <u>5</u> Civil Cover Sheet, # <u>6</u> Proposed Summons)(Rose, Gavin) (Entered: 11/25/2015)
11/25/2015	<u>2</u>	NOTICE of Appearance by Gavin Minor Rose on behalf of Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 11/25/2015)
11/25/2015	<u>3</u>	MOTION to Certify Class , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 11/25/2015)
11/25/2015	<u>4</u>	BRIEF/MEMORANDUM in Support re <u>3</u> MOTION to Certify Class , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 11/25/2015)
11/25/2015	<u>5</u>	NOTICE of Appearance by Francis Ignatius Quigley on behalf of Plaintiff SARAH JACKSON. (Quigley, Francis) (Entered: 11/25/2015)
11/25/2015	<u>6</u>	Summons Issued as to SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (JRT) (Entered: 11/25/2015)
11/25/2015	<u>7</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (JRT) (Entered: 11/25/2015)
12/09/2015	<u>8</u>	NOTICE of Appearance by Dennis E. Mullen on behalf of Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Mullen, Dennis) (Entered: 12/09/2015)
12/09/2015	<u>9</u>	MOTION for Extension of Time to File Response to December 21, 2015 re <u>3</u> MOTION to Certify Class , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mullen, Dennis) (Entered: 12/09/2015)
12/09/2015	<u>10</u>	NOTICE of Appearance by Kelly J. Pautler on behalf of Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Pautler, Kelly) (Entered: 12/09/2015)
12/09/2015	<u>11</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) (Entered: 12/09/2015)
12/11/2015	<u>12</u>	ORDER granting <u>9</u> Motion for Extension of Time to File Response to 12/21/2015 re <u>3</u> MOTION to Certify Class . Signed by Magistrate Judge Denise K. LaRue on 12/11/2015. (CBU) (Entered: 12/11/2015)
12/14/2015	<u>13</u>	NOTICE of Initial Automatic Extension of Time, filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (Mullen, Dennis) (Entered: 12/14/2015)
12/14/2015	<u>14</u>	Second MOTION for Extension of Time to File Response to January 18, 2016 re <u>3</u> MOTION to Certify Class , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of

		Proposed Order)(Mullen, Dennis) (Entered: 12/14/2015)
12/16/2015	<u>15</u>	ORDER granting <u>14</u> Motion for Extension of Time to File Response to 1/18/2016 re <u>3</u> MOTION to Certify Class . Signed by Magistrate Judge Denise K. LaRue on 12/16/2015. (CBU) (Entered: 12/16/2015)
12/29/2015	<u>16</u>	*** WITHDRAWN PER ORDER <u>77</u> *** MOTION for Preliminary Injunction , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Exhibit 1 (Aff. of Dr. Hays), # <u>2</u> Exhibit 2 (Aff. of Ms. Jackson), # <u>3</u> Exhibit 3 (FSSA Policy 1), # <u>4</u> Exhibit 4 (FSSA Policy 2), # <u>5</u> Exhibit 5 (Annals of Internal Medicine Publication), # <u>6</u> Exhibit 6 (CMS Guidance), # <u>7</u> Exhibit 7 (Indiana Preferred Drug List))(Rose, Gavin) Modified on 8/29/2016 (CKM). (Entered: 12/29/2015)
12/29/2015	<u>17</u>	BRIEF/MEMORANDUM in Support re <u>16</u> MOTION for Preliminary Injunction , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 12/29/2015)
01/05/2016	<u>18</u>	SCHEDULING ORDER: Telephonic Status Conference set for 1/6/2016 at 02:00 PM before Magistrate Judge Denise K. LaRue. The purpose of the conference is to discuss Plaintiff's Motion for Preliminary Injunction [Dkt. <u>16</u>]. Counsel will receive call-in information for the conference via separate email notification. Signed by Magistrate Judge Denise K. LaRue on 1/5/2016.(REO) (Entered: 01/05/2016)
01/15/2016	<u>20</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Mullen, Dennis) (Entered: 01/15/2016)
01/15/2016	<u>21</u>	BRIEF/MEMORANDUM in Support re <u>20</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Mullen, Dennis) (Entered: 01/15/2016)
01/19/2016	<u>22</u>	MOTION for Agreed Briefing Schedule for Plaintiff's Motion for Class Certification and Motion for Preliminary Injunction, filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Mullen, Dennis) (Entered: 01/19/2016)
01/19/2016	<u>23</u>	MOTION to Stay Proceedings Pending Ruling on Motion to Dismiss, filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Mullen, Dennis) (Entered: 01/19/2016)
01/29/2016	<u>24</u>	RESPONSE in Opposition re <u>20</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>23</u> MOTION to Stay Proceedings Pending Ruling on Motion to Dismiss , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 01/29/2016)
01/29/2016	<u>25</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Denise K. LaRue: Status Conference held on 1/6/2016 – Parties discussed the Motion for Preliminary Injunction [Dkt. <u>16</u>] and discovery. The conference concluded without further order. Signed by Magistrate Judge Denise K. LaRue. (REO) (Entered: 01/29/2016)
02/01/2016	<u>26</u>	Reassignment of Case to Magistrate Judge Matthew P. Brookman. Magistrate Judge Denise K. LaRue is no longer assigned to the case. Please include the new case number (1:15-cv-01874-SEB-MPB), which includes the initials of the newly assigned judge, on all future filings in this matter. (MAC) (Entered: 02/01/2016)
02/04/2016	<u>30</u>	CORRECTED ORDER re <u>27</u> Order on Motion to Stay Proceedings. Telephonic Status Conference set for 4/5/2016 at 12:00 PM (EST) Indianapolis time, before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman on 2/4/2016.(TMB) (Entered: 02/08/2016)
02/05/2016	<u>27</u>	ORDER granting Defendant's <u>23</u> Motion to Stay proceedings pending a ruling on his Motion to Dismiss. Status Conference set for 4/5/2016 11:00 AM (CST) Evansville time in Telephonic before Magistrate Judge Matthew P. Brookman. The information needed to participate in this telephonic conference will be provided by a separate notification (see Order for additional information). Signed by Magistrate Judge Matthew P. Brookman on 2/5/2016.(SWM) (Entered: 02/05/2016)

02/05/2016	<u>28</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by SARAH JACKSON re <u>27</u> Order on Motion to Stay Scheduling (Rose, Gavin) (Entered: 02/05/2016)
02/08/2016	<u>31</u>	REPLY in Support of Motion re <u>20</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Mullen, Dennis) (Entered: 02/08/2016)
03/28/2016	<u>32</u>	***PLEASE DISREGARD – SEE ENTRY AT <u>33</u> ***First MOTION to Withdraw Attorney Appearance , filed by Plaintiff SARAH JACKSON. (Quigley, Francis) Modified text and terminated motion on 4/5/2016 (TMB). (Entered: 03/28/2016)
03/31/2016	<u>33</u>	First MOTION to Withdraw Attorney Appearance , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion to Withdraw)(Quigley, Francis) (Entered: 03/31/2016)
04/05/2016	<u>34</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 4/5/2016. Telephonic Status Conference set for 6/30/2016 at 09:30 AM (EDT) before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 04/05/2016)
04/05/2016	<u>35</u>	ORDER granting <u>33</u> Motion to Withdraw Attorney Appearance. Attorney Francis Ignatius Quigley withdrawn as co-counsel for the Plaintiff. Signed by Magistrate Judge Matthew P. Brookman on 4/5/2016. (CBU) (Entered: 04/06/2016)
04/12/2016	<u>36</u>	ORDER – DENYING MOTION TO DISMISS; Defendant's Motion to Dismiss Dkt. No. <u>20</u> and OVERRULE Plaintiff's Objections to Magistrate Judge's Order Staying Proceedings Dkt. No. <u>28</u> as MOOT. The stay imposed by Docket Number 27 is lifted. We instruct the Magistrate Judge to hold a status conference as soon as possible to establish a briefing schedule for the motions currently pending on the docket. Signed by Judge Sarah Evans Barker on 4/12/2016. (CKM) (Entered: 04/12/2016)
04/13/2016	<u>37</u>	ORDER RESETTING TELEPHONIC STATUS CONFERENCE: The TELEPHONIC STATUS CONFERENCE set for June 30, 2016, is hereby VACATED and RESCHEDULED to TUESDAY, APRIL 19, 2016, at 11:45 a.m., Indianapolis time (EDT), before Magistrate Judge Matthew P. Brookman. Pursuant to the Order entered at docket #36, the purpose of this conference is to establish a briefing schedule for the motions currently pending on the docket. The information needed to participate in this telephonic conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 4/13/2016.(SWM) (Entered: 04/13/2016)
04/19/2016	<u>39</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 4/19/2016. The Motion for Agreed Briefing Schedule for Plaintiff's Motion for Class Certification and Motion for Preliminary Injunction [Dkt. 22] is GRANTED. The briefing schedule for the Motions [Dkts. 3 and 16] is as follows: The Defendant is to respond to both Motions by May 9, 2016. The Plaintiff's reply to the Defendant's response is to be filed by May 23, 2016. The parties request a one-day evidentiary hearing on both Motions before the Court at a time thereafter. Telephonic Status Conference set for 8/23/2016 at 09:30 AM before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman. (NRN) (Entered: 04/20/2016)
04/26/2016	<u>40</u>	ANSWER to <u>1</u> Complaint for Declaratory and Injunctive Relief and Statement of Defenses, filed by SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION.(Mullen, Dennis) (Entered: 04/26/2016)
04/27/2016	<u>41</u>	NOTICE of Appearance by Jonathan Paul Nagy on behalf of Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Nagy, Jonathan) (Entered: 04/27/2016)
05/05/2016	<u>42</u>	SCHEDULING ORDER– Motion Hearing on certify class and for preliminary injunction set for 6/15/2016 at 1:30 PM in room #216, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Sarah Evans Barker. Signed by Judge Sarah Evans Barker on 5/5/2016.(CBU) (Entered: 05/05/2016)
05/06/2016	<u>43</u>	MOTION to Withdraw Attorney Appearance , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION.

		(Attachments: # <u>1</u> Text of Proposed Order Granting Motion to Withdraw Appearance)(Mullen, Dennis) (Entered: 05/06/2016)
05/09/2016	<u>44</u>	*** SEALED PER ORDER DATED 6/29/2016 *** SEALED RESPONSE re <u>16</u> MOTION for Preliminary Injunction , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Dr. Zerr, # <u>2</u> Attachment 1 Dr. Zerr's CV, # <u>3</u> Attachment 2 – WHO Media on Hepatitis C, # <u>4</u> Attachment 3 – 2015 Article re: Alimentary Pharmacology and Therapeutics, # <u>5</u> Attachment 4 – Starting Treatment of Acute HCV Early article, # <u>6</u> Attachment 5 – Natural Hsitory of Hepatitis C, # <u>7</u> Attachment 6 – Clinical Manifestations and Natural History of Chronic Hepatitis C Virus Infection, # <u>8</u> Attachment 7 – State Medicaid Coverage Policies, # <u>9</u> Attachment 8 – Jackson's Medical Records, # <u>10</u> Attachment 9 – Harvonie Insert Packet, # <u>11</u> Attachment 10 – AASLD Publication, # <u>12</u> Attachment 11 – NIH Publication, # <u>13</u> Attachment 12 – Senate Report, # <u>14</u> Exhibit 2– Affidavit of Paul Bowling, # <u>15</u> Attachment 1 to Bowling Affidavit, # <u>16</u> Exhibit 3 – Dr. Hays Deposition Excerpts, # <u>17</u> Exhibit 4 – Dr. Zerr's Deposition Excerpts, # <u>18</u> Exhibit 5 – USPSTF A&B Recommendation)(Jones, Benjamin) Modified on 7/1/2016 (SWM). (Entered: 05/09/2016)
05/09/2016	<u>45</u>	*** SEALED PER ORDER DATED 6/29/2016 *** SEALED RESPONSE re <u>3</u> MOTION to Certify Class , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) Modified on 7/1/2016 (SWM). (Entered: 05/09/2016)
05/09/2016	<u>46</u>	MOTION to Maintain Document Under Seal <u>45</u> SEALED Response to Motion, <u>44</u> SEALED Response to Motion , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 05/09/2016)
05/09/2016	<u>47</u>	MOTION to Compel <i>Plaintiff to Sign Medical Release Authorizations</i> , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 05/09/2016)
05/10/2016	<u>48</u>	ORDER granting <u>43</u> Motion to Withdraw Attorney Appearance. Attorney Dennis E. Mullen withdrawn. Signed by Magistrate Judge Matthew P. Brookman on 5/10/2016. (SWM) (Entered: 05/11/2016)
05/16/2016	<u>49</u>	SCHEDULING ORDER: Status Conference set for 5/17/2016 at 02:00 PM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. The purpose of this conference is to discuss the pending motions before the Court. Signed by Magistrate Judge Matthew P. Brookman on 5/16/2016.(TMB) (Entered: 05/16/2016)
05/17/2016	<u>52</u>	Minute Entry for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 5/17/2016. The parties are granted leave to file a proposed Uniform Protective Order in accordance with Fed. R. Civ. P. 26(c)(1), and are directed to the Uniform Protective Order approved in the Southern District of Indiana. (NRN) (Entered: 05/18/2016)
05/18/2016	<u>51</u>	Unopposed MOTION for Extension of Time to File Reply to 05/31/2016 re <u>3</u> MOTION to Certify Class , <u>16</u> MOTION for Preliminary Injunction , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 05/18/2016)
05/20/2016	<u>53</u>	ORDER granting Plaintiff and the Putative Class' <u>51</u> Motion for Extension of Time to File Reply to 5/31/2016 re <u>16</u> MOTION for Preliminary Injunction and <u>3</u> MOTION to Certify Class . Signed by Magistrate Judge Matthew P. Brookman on 5/20/2016. (SWM) (Entered: 05/20/2016)
05/24/2016	<u>54</u>	MOTION for Protective Order [<i>Uniform Stipulated</i>], filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit Proposed Order)(Jones, Benjamin) (Entered: 05/24/2016)
05/25/2016	<u>56</u>	UNIFORM STIPULATED PROTECTIVE ORDER <u>54</u> APPROVED. Signed by Magistrate Judge Matthew P. Brookman on 5/25/2016.(SWM) (Entered: 05/26/2016)

05/26/2016	<u>55</u>	RESPONSE in Opposition re <u>47</u> MOTION to Compel <i>Plaintiff to Sign Medical Release Authorizations</i> , <u>46</u> MOTION to Maintain Document Under Seal <u>45</u> SEALED Response to Motion, <u>44</u> SEALED Response to Motion , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Exhibit 1 (Apr. 26, 2016 emails), # <u>2</u> Exhibit 2 (May 11, 2016 letter from plaintiff to defendant), # <u>3</u> Exhibit 3 (May 13, 2016 letter from defendant to plaintiff), # <u>4</u> Exhibit 4 (May 13, 2016 email from plaintiff to defendant), # <u>5</u> Exhibit 5 (May 16, 2016 email from defendant to plaintiff))(Rose, Gavin) (Entered: 05/26/2016)
05/31/2016	<u>57</u>	NOTICE of Filing of <i>Additional Evidence in Support of Preliminary Injunction Motion</i> by SARAH JACKSON (Attachments: # <u>1</u> Exhibit 1–3 (Zerr Dep.) (Part 1), # <u>2</u> Exhibit 1–3 (Zerr Dep.) (Part 2), # <u>3</u> Exhibit 1–3 (Zerr Dep.) (Part 3), # <u>4</u> Exhibit 4 (Hays Dep.), # <u>5</u> Exhibit 5 (Hays Supp. Aff.), # <u>6</u> Exhibit 6 (Jackson Supp. Aff. – unsigned), # <u>7</u> Exhibit 7 (U.S. Dep't of Veterans Affairs Memo.), # <u>8</u> Exhibit 8 (Associated Press Article), # <u>9</u> Exhibit 9 (About the USPSTF)) (Rose, Gavin) (Entered: 05/31/2016)
05/31/2016	<u>58</u>	MOTION for Leave to File Excess Pages (<i>Over–Sized Reply Brief in Support of Mot. for Prelim. Inj.</i>), filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Appendix (Oversized Reply Brief in Support of Mot. for Prelim. Inj.), # <u>2</u> Text of Proposed Order)(Rose, Gavin) (Entered: 05/31/2016)
05/31/2016	<u>59</u>	REPLY in Support of Motion re <u>3</u> MOTION to Certify Class , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 05/31/2016)
06/01/2016	<u>60</u>	ORDER granting Plaintiff's <u>58</u> Motion for Leave to Over–Sized Brief. IT IS THEREFORE ORDERED that the plaintiff is GRANTED leave to file an over– sized reply brief in support of her Motion for Preliminary Injunction, and the reply brief shall be filed as a separate entry in this case within five (5) days from the date of this order. Signed by Magistrate Judge Matthew P. Brookman on 6/1/2016. (SWM) (Entered: 06/02/2016)
06/02/2016	<u>61</u>	REPLY in Support of Motion re <u>16</u> MOTION for Preliminary Injunction , filed by Plaintiff SARAH JACKSON. (Rose, Gavin) (Entered: 06/02/2016)
06/07/2016	<u>62</u>	NOTICE of Filing of <i>Supplemental Affidavit of Sarah Jackson</i> by SARAH JACKSON (Attachments: # <u>1</u> Affidavit of Sarah Jackson (Supplemental)) (Rose, Gavin) (Entered: 06/07/2016)
06/09/2016	<u>63</u>	MOTION for Leave to File <i>Surreply in Opposition to Motion for Preliminary Injunction</i> , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order Entry)(Jones, Benjamin) (Entered: 06/09/2016)
06/13/2016	<u>64</u>	ORDER granting Defendant's <u>63</u> Motion for Leave to File a surreply. Defendant shall file his surreply within two (2) days from the date of this order. Signed by Magistrate Judge Matthew P. Brookman on 6/13/2016. (SWM) (Entered: 06/13/2016)
06/14/2016	<u>65</u>	Surreply re <u>16</u> MOTION for Preliminary Injunction , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) (Entered: 06/14/2016)
06/15/2016	<u>66</u>	NOTICE of Appearance by Kenneth J. Falk on behalf of Plaintiff SARAH JACKSON. (Falk, Kenneth) (Entered: 06/15/2016)
06/15/2016	<u>67</u>	SCHEDULING ORDER: The hearing on Plaintiff's motions to certify class and for preliminary injunction on Wednesday, June 15, 2016 has been rescheduled to 1:00 p.m. in Room 216 of the United States Courthouse in Indianapolis, Indiana. Please note the time change.(KR) (Entered: 06/15/2016)
06/15/2016	<u>68</u>	COURT ENTRY AND SCHEDULING ORDER: Settlement Conference set for 7/26/2016 02:00 AM before Judge Sarah Evans Barker.(CKM) (Entered: 06/15/2016)
06/29/2016	<u>69</u>	ORDER granting Defendant's <u>46</u> Motion to Maintain Document Under Seal; denying Defendant's <u>47</u> Motion to Compel. The Court ORDERS that Docket No. 44 and Docket No. 45 be maintained under seal. The Court further ORDERS FSSA to file redacted versions of the same within five (5) days of this Order. See Order for additional information. Signed by Magistrate Judge Matthew P. Brookman on 6/29/2016. (SWM) (Entered: 07/01/2016)

07/05/2016	<u>70</u>	REDACTED RESPONSE in Opposition re <u>44</u> MOTION for Preliminary Injunction <u>16</u> , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Zerr Affidavit – Part 1 of 2, # <u>2</u> Exhibit 1 – Zerr Affidavit – Part 2 of 2, # <u>3</u> Exhibit 2 – Affidavit of Bowling, # <u>4</u> Exhibit 3 – Hays Depo, # <u>5</u> Exhibit 4 – Zerr Depo, # <u>6</u> Exhibit 5 – USPSTF Recommendation)(Jones, Benjamin) Modified on 7/6/2016 (CKM). (Entered: 07/05/2016)
07/05/2016	<u>71</u>	REDACTED RESPONSE in Opposition re <u>45</u> , re <u>3</u> MOTION to Certify Class [Redacted], filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) Modified on 7/6/2016 (CKM). (Entered: 07/05/2016)
07/20/2016	<u>72</u>	ENTRY – In preparing for the settlement conference scheduled for July 26, 2016 at 2:30 PM, the parties shall familiarize themselves with the recent amendments to Medicare Hepatitis C treatment policies in Florida, New York, Delaware, Washington, Massachusetts, Connecticut, and Maine as well as recent policy changes adopted by private insurers. The parties should also be prepared to discuss the decision in B.E. and A.R. v. Teeter, 2016 WL 3033500 (W.D. Wash. May 27, 2016).(CKM) (Entered: 07/21/2016)
07/26/2016	<u>73</u>	*** PLEASE DISREGARD DOCKETED IN ERROR *** Minute order for settlement conference held before Judge Sarah Evans Barker on 7/26/2016. The Plaintiff appeared by counsel Gavin Rose and Kenneth Falk, and the Defendant appeared by Counsel Benjamin Jones and Kelly Pautler, and by Dr. Ann Zerr, Chris Johnson, Allison Taylor and Elizabeth Fiscus, representatives of the Family and Social Services Administration. The parties reached a tentative agreement, and agreed to exchange settlement proposals and finalize a draft by August 31, 2016, which will allow for an October 1, 2016, implementation date.(KR) Modified on 7/27/2016 (CKM). (Entered: 07/26/2016)
07/26/2016	<u>74</u>	AMENDED ENTRY re Settlement Conference ; The Court conducted a settlement conference. The Plaintiff appeared by counsel Gavin Rose and Kenneth Falk, and the Defendant appeared by counsel Benjamin Jones and Kelly Pautler, and by Dr. Ann Zerr, Chris Johnson, Allison Taylor and Elizabeth Fiscus, representatives of the Family and Social Services Administration. The Court discussed the outlines of a possible agreement with the parties. The parties agreed to exchange settlement proposals and to finalize a draft by August 31, 2016, which will allow for an October 1, 2016, implementation date. The proceedings were adjourned. (CKM) (Entered: 07/27/2016)
08/24/2016	<u>76</u>	MOTION to Withdraw <u>16</u> MOTION for Preliminary Injunction , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 08/24/2016)
08/26/2016	<u>77</u>	ORDER – granting <u>76</u> Motion to Withdraw Plaintiffs' Motion for Preliminary Injunction (ECF No. 16) is hereby withdrawn, without prejudice to its refile as circumstances dictate. Signed by Judge Sarah Evans Barker on 8/26/2016. (CKM) (Entered: 08/29/2016)
08/31/2016	<u>78</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 8/23/2016. If Defendant objects to the current discovery propounded related to a replacement representative Plaintiff, it is to do so on or before September 15, 2016. If the Defendant does not object, Defendant must respond to discovery on or before September 30, 2016. Plaintiff is to file a Motion to Intervene by a new representative Plaintiff and/or Motion to Amend the Complaint on or before November 30, 2016. Plaintiff is to file a Stipulation of Dismissal of Representative Plaintiff Sarah Jackson on or before December 30, 2016. Status Conference set for 10/13/2016 at 03:00 PM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman. (TMB) Modified on 9/2/2016 (TMB). (Entered: 09/01/2016)
09/15/2016	<u>79</u>	NOTICE of Objection to Discovery Request , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (Jones, Benjamin) Modified on 9/16/2016 (CKM). (Entered: 09/15/2016)

09/19/2016	<u>80</u>	Joint MOTION for Administrative Closure, filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 09/19/2016)
09/21/2016	<u>81</u>	ORDER – The Court now finds that said Motion <u>80</u> should be GRANTED. The pending Motion to Certify Class Dkt. <u>3</u> is hereby administratively closed without prejudice, subject to re-opening as circumstances dictate. Signed by Judge Sarah Evans Barker on 9/21/2016. (CKM) (Entered: 09/21/2016)
09/30/2016	<u>82</u>	ORDER VACATING TELEPHONIC STATUS CONFERENCE: Comes now the Court, sua sponte, and VACATES the TELEPHONIC STATUS CONFERENCE currently set in this matter on Thursday, October 13, 2016 at 3:00 p.m. Signed by Magistrate Judge Matthew P. Brookman on 9/30/2016.(SWM) (Entered: 09/30/2016)
10/19/2016	<u>83</u>	SCHEDULING ORDER: Discovery Conference set for 10/20/2016 at 12:30 PM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman on 10/19/2016.(TMB) (Entered: 10/19/2016)
10/20/2016	<u>85</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Discovery Conference held on 10/20/2016. Parties were represented by counsel. No further orders are entered at this time. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 10/20/2016)
11/10/2016	<u>86</u>	MOTION to Withdraw Attorney Appearance , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Pautler, Kelly) (Entered: 11/10/2016)
11/15/2016	<u>87</u>	ORDER granting <u>86</u> Motion to Withdraw Attorney Appearance. Attorney Kelly J. Pautler withdrawn. Signed by Magistrate Judge Matthew P. Brookman on 11/15/2016. (SWM) (Entered: 11/16/2016)
11/30/2016	<u>88</u>	MOTION to Intervene as Named Plaintiff and Class Representative (<i>Permissive Intervention</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Class Action Complaint in Intervention for Declaratory and Injunctive Relief, # <u>2</u> Exhibit 1 (2016 Policy), # <u>3</u> Exhibit 2 (CMS Guidance), # <u>4</u> Exhibit 3 (2014 Policy), # <u>5</u> Exhibit 4 (2015 Policy), # <u>6</u> Exhibit 5 (Selner Denial))(Rose, Gavin) (Entered: 11/30/2016)
11/30/2016	<u>89</u>	BRIEF/MEMORANDUM in Support re <u>88</u> MOTION to Intervene as Named Plaintiff and Class Representative (<i>Permissive Intervention</i>) , filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 11/30/2016)
11/30/2016	<u>90</u>	NOTICE of Appearance by Gavin Minor Rose on behalf of Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 11/30/2016)
11/30/2016	<u>91</u>	NOTICE of Appearance by Kenneth J. Falk on behalf of Intervenor Plaintiff TENNEIL SELNER. (Falk, Kenneth) (Entered: 11/30/2016)
12/19/2016	<u>92</u>	NOTICE of No Objection, filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION, re <u>88</u> MOTION to Intervene as Named Plaintiff and Class Representative (<i>Permissive Intervention</i>). (Jones, Benjamin) (Entered: 12/19/2016)
12/22/2016	<u>93</u>	Submission of Proposed Order , re <u>88</u> MOTION to Intervene as Named Plaintiff and Class Representative (<i>Permissive Intervention</i>), filed by Plaintiff SARAH JACKSON, Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 12/22/2016)
12/30/2016	<u>94</u>	Unopposed MOTION for Extension of Time to 30 days after decision on ECF No. 88 to File Dismissal Papers Concerning Sarah Jackson, filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 12/30/2016)
01/03/2017	<u>95</u>	ORDER – granting <u>88</u> Motion to Intervene; Tenneil Selner is hereby granted leave to intervene in this action as a plaintiff and representative of the putative class pursuant to Rule 24(b) of the Federal Rules of Civil Procedure, and that her Class Action Complaint in Intervention for Declaratory and Injunctive Relief is deemed filed as of this date. The Clerk is directed to administratively re-open this case. Signed by Judge Sarah Evans Barker on 1/3/2017. (CKM) (Entered: 01/04/2017)

01/06/2017	<u>97</u>	ORDER granting <u>94</u> Motion for an extension of time to and including 30 days after the Court issues a decision on Tenneil Selner's Motion for Permissive Intervention <u>88</u> , to file appropriate papers dismissing Sarah Jackson's individual claims. Signed by Judge Sarah Evans Barker on 1/6/2017. (CBU) (Entered: 01/06/2017)
01/10/2017	<u>98</u>	STIPULATION of Dismissal of <i>Sarah Jackson</i> , filed by Plaintiff SARAH JACKSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 01/10/2017)
01/17/2017	<u>99</u>	DISMISSAL – SARAH JACKSON (on her own behalf and on behalf of a class of those similarly situated) terminated. Approves Parties Stipulation of Dismissal from the case, with prejudice. Signed by Judge Sarah Evans Barker on 1/17/2017.(MAC) (Entered: 01/17/2017)
01/24/2017	<u>100</u>	<i>Def's</i> ANSWER to <u>1</u> Complaint , filed by SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION.(Jones, Benjamin) (Entered: 01/24/2017)
01/26/2017	<u>101</u>	SCHEDULING ORDER: Status Conference set for 3/23/2017 11:45 AM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. The information needed by counsel to participate in this telephonic conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 1/26/2017.(SWM) (Entered: 01/26/2017)
03/23/2017	<u>103</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 3/23/2017. The briefing schedules for Plaintiff's anticipated Motion to Certify Class and Motion for Preliminary Injunction shall be as follows: A. Plaintiff's motions shall be filed on or before June 30, 2017. B. Defendant's responses to the motions shall be filed on or before July 28, 2017. C. Plaintiff's replies shall be filed on or before August 18, 2017. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 03/23/2017)
06/23/2017	<u>104</u>	Joint MOTION for Extension of Time to 08/14/2017 <i>Extension of Briefing Schedule for Mot. for Prelim. Inj. & Mot. for Class Cert.</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 06/23/2017)
06/23/2017	<u>105</u>	NOTICE of Appearance by Jennifer Elizabeth Lemmon on behalf of Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Lemmon, Jennifer) (Entered: 06/23/2017)
06/28/2017	<u>106</u>	ORDER – granting <u>104</u> Motion for Joint Motion to Amend Briefing Schedule. *** SEE ORDER FOR DATES AND DEADLINES ***. Signed by Judge Sarah Evans Barker on 6/28/2017. (CKM) (Entered: 06/29/2017)
07/24/2017	<u>107</u>	NOTICE of Substitution of Appearance by Kelly Suzanne Witte replacing <i>Jonathan P. Nagy</i> on behalf of SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (Witte, Kelly) (Entered: 07/24/2017)
07/27/2017	<u>108</u>	ORDER – Acknowledges the Notice of Appearance and Substitution . Jonathan P. Nagy is hereby withdrawn. The appearance of Kelly S. Witte is entered. Signed by Judge Sarah Evans Barker on 7/27/2017. (marginal notation)(CKM) Modified on 7/27/2017 (CKM). (Entered: 07/27/2017)
08/08/2017	<u>109</u>	SCHEDULING ORDER – Telephonic Discovery Conference set for 8/9/2017 at 10:30 AM (Eastern Time) before Magistrate Judge Matthew P. Brookman. The information needed to participate in this telephonic conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 8/8/2017.(JRB) (Entered: 08/08/2017)
08/10/2017	<u>111</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Discovery Conference held on 8/9/2017. Parties were represented by counsel. No further orders entered at this time. Signed by Magistrate Judge Matthew P. Brookman. (JRB) (Entered: 08/10/2017)
08/14/2017	<u>112</u>	Unopposed MOTION for Extension of Time to 10/13/2017 <i>to file Prelim. Inj. Mot. & to 08/28/2017 to file Class Cert. Mot.</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 08/14/2017)

08/15/2017	<u>113</u>	ORDER – granting <u>112</u> Motion for Extension of Time to File; The plaintiff is hereby granted a 14–day extension of time, to and including August 28, 2017, within which to file her Motion for Class Certification and supporting brief. The plaintiff is hereby granted a 14–day extension of time, to and including August 28, 2017, within which to file her Motion for Class Certification and supporting brief. Signed by Judge Sarah Evans Barker on 8/15/2017. (CKM) (Entered: 08/15/2017)
08/25/2017	<u>114</u>	***WITHDRAWN PER ORDER OF 3/27/2018*** MOTION to Certify Class (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit 1 (Interrogatory Responses))(Rose, Gavin) Modified on 3/28/2018 (CBU). (Entered: 08/25/2017)
08/25/2017	<u>115</u>	BRIEF/MEMORANDUM in Support re <u>114</u> MOTION to Certify Class (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 08/25/2017)
09/08/2017	<u>116</u>	RESPONSE in Opposition re <u>114</u> MOTION to Certify Class (<i>Renewed</i>), filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) (Entered: 09/08/2017)
09/14/2017	<u>117</u>	REPLY in Support of Motion re <u>114</u> MOTION to Certify Class (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 09/14/2017)
09/14/2017	<u>118</u>	***PLEASE DISREGARD. WITHDRAWN BY <u>125</u> *** MOTION to Compel <i>Discovery</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit 1 (Discovery Requests to Dft.), # <u>2</u> Exhibit 2 (Dft.'s Responses to Interrs.), # <u>3</u> Exhibit 3 (Discovery Letter to Dft.), # <u>4</u> Exhibit 4 (E–mail Communications Re: Discovery), # <u>5</u> Exhibit 5 (E–mail Communications Re: Discovery [Part II]))(Rose, Gavin) Modified on 10/12/2017 (JRB). (Entered: 09/14/2017)
09/14/2017	<u>119</u>	BRIEF/MEMORANDUM in Support re <u>118</u> MOTION to Compel <i>Discovery</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 09/14/2017)
09/27/2017	<u>120</u>	Unopposed MOTION for Extension of Time to File Response to 10/05/2017 re <u>118</u> MOTION to Compel <i>Discovery</i> , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 09/27/2017)
10/03/2017	<u>121</u>	ORDER granting <u>120</u> Motion for Extension of Time to File Response to <u>118</u> MOTION to Compel <i>Discovery</i> to 10/5/17. Signed by Magistrate Judge Matthew P. Brookman on 10/3/2017. (JRB) (Entered: 10/03/2017)
10/05/2017	<u>122</u>	Second MOTION for Extension of Time to File Response to 10/10/2017 re <u>118</u> MOTION to Compel <i>Discovery Unopposed</i> , filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 10/05/2017)
10/10/2017	<u>123</u>	MOTION to Withdraw <u>118</u> MOTION to Compel <i>Discovery</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 10/10/2017)
10/10/2017	<u>124</u>	ORDER granting <u>122</u> Motion for Extension of Time to File Response to <u>118</u> MOTION to Compel <i>Discovery</i> to 10/10/17. Signed by Magistrate Judge Matthew P. Brookman on 10/10/2017. (JRB) (Entered: 10/10/2017)
10/12/2017	<u>125</u>	ORDER granting <u>123</u> Motion to Withdraw <u>118</u> Motion to Compel. Signed by Magistrate Judge Matthew P. Brookman on 10/12/2017. (JRB) (Entered: 10/12/2017)
10/13/2017	<u>126</u>	Unopposed MOTION for Extension of Time to 11/22/2017 to <i>File Preliminary Injunction Motion (Third)</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 10/13/2017)
10/17/2017	<u>127</u>	ORDER – granting <u>126</u> Motion for Extension of Time to File up to and including November 22, 2017, within which to file her Motion for Preliminary Injunction and supporting brief. Signed by Judge Sarah Evans Barker on 10/17/2017. (CKM) (Entered: 10/17/2017)
10/25/2017	<u>128</u>	SCHEDULING ORDER – Telephonic Status Conference set for 10/26/2017 at 10:00 AM (Eastern Time) before Magistrate Judge Matthew P. Brookman. The information

		needed by counsel to participate in this telephonic conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 10/25/2017.(JRB) (Entered: 10/25/2017)
10/26/2017	<u>130</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 10/26/2017. The briefing schedule for the anticipated Motion for Preliminary Injunction shall be as follows: Defendant's Response to Plaintiff's Motion for Preliminary Injunction shall be filed on or before December 22, 2017. Plaintiff's Reply shall be filed on or before January 12, 2018. The Parties jointly recommend the Court set aside one (1) day for hearing on the Preliminary Injunction Motion. However, upon review of the briefs, the Parties may adjust their hearing recommendation to one half (1/2) day. Status Conference set for 1/18/2018 at 10:00 AM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 10/26/2017)
11/22/2017	<u>131</u>	***WITHDRAWN PER DKT. 156*** MOTION for Preliminary Injunction (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit 1 (Decl. of Dr. Gish) (Part 1 of 2), # <u>2</u> Exhibit 1 (Decl. of Dr. Gish) (Part 2 of 2), # <u>3</u> Exhibit 2 (Aff. of Dr. Hays), # <u>4</u> Exhibit 3 (Supp. Aff. of Dr. Hays), # <u>5</u> Exhibit 4 (Dep. of Dr. Hays), # <u>6</u> Exhibit 5 (First Dep. of Dr. Zerr), # <u>7</u> Exhibit 6 (Second Dep. of Dr. Zerr), # <u>8</u> Exhibit 7 (Exhs. to Zerr Deps.) (Part 1 of 3), # <u>9</u> Exhibit 7 (Exhs. to Zerr Deps.) (Part 2 of 3), # <u>10</u> Exhibit 7 (Exhs. to Zerr Deps.) (Part 3 of 3), # <u>11</u> Exhibit 8 (Aff. of Selner), # <u>12</u> Exhibit 9 (Interr. Responses), # <u>13</u> Exhibit 10 (CMS Guidance on Hep C), # <u>14</u> Exhibit 11 (CMS Guidance on Viagra), # <u>15</u> Exhibit 12 (Policy of the Dep't of Veterans Affairs), # <u>16</u> Exhibit 13 (Edlin Article), # <u>17</u> Exhibit 14 (Selected Prior Authorization Denials))(Rose, Gavin) Modified on 9/28/2018 (LDH). (Entered: 11/22/2017)
11/22/2017	<u>132</u>	BRIEF/MEMORANDUM in Support re <u>131</u> MOTION for Preliminary Injunction (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 11/22/2017)
12/04/2017	<u>133</u>	MOTION for Extension of Time to File Response to December 22, 2017 re <u>131</u> MOTION for Preliminary Injunction (<i>Renewed</i>), filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 12/04/2017)
12/06/2017	<u>134</u>	ORDER granting <u>133</u> Motion for Extension of Time to File Response to <u>131</u> MOTION for Preliminary Injunction to 2/9/17. Plaintiff shall have up to and including February 26, 2018 to file her response – IT IS FURTHER ORDERED that the Telephonic Status Conference currently set for January 18, 2018 at 10:00 a.m. (EST) is VACATED and RESET to THURSDAY, MARCH 1, 2018 at 12:15 p.m. (EST), before Magistrate Judge Matthew P. Brookman The information needed to participate in this telephone conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 12/6/2017.(JRB) (Entered: 12/06/2017)
01/08/2018	<u>135</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5–3, Gavin Minor Rose hereby notifies the Clerk of the court of changed contact information. (Rose, Gavin) (Entered: 01/08/2018)
01/08/2018	<u>136</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: 01/08/2018)
02/09/2018	<u>137</u>	RESPONSE in Opposition re <u>131</u> MOTION for Preliminary Injunction (<i>Renewed</i>), filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Deposition Excerpts of Dr. Robert Gish, # <u>2</u> Exhibit 2 – Deposition Excerpts of Dr. Travis Hays, # <u>3</u> Exhibit 3 – 2/11/16 Deposition Excerpts of Dr. Ann Zerr, # <u>4</u> Exhibit 4 – 11/15/17 Deposition Excerpts of Dr. Ann Zerr, # <u>5</u> Exhibit 5 – Order from J.E.M., et al. v. Tidball, et al.; 16–cv–4273–SRB)(Jones, Benjamin) (Entered: 02/09/2018)
02/26/2018	<u>139</u>	REPLY in Support of Motion re <u>131</u> MOTION for Preliminary Injunction (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit 1 (Gish Deposition), # <u>2</u> Exhibit 2 (Jezequel Study), # <u>3</u> Exhibit 3 (McCombs Study), # <u>4</u> Exhibit 4 (Zahnd Study), # <u>5</u> Exhibit 5 (Ovrehus Study))(Rose, Gavin) (Entered: 02/26/2018)

		02/26/2018)
03/01/2018	<u>140</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 3/1/2018. Status Conference set for 3/13/2018 at 11:00 AM (Eastern Time) in Telephonic before Magistrate Judge Matthew P. Brookman. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 03/01/2018)
03/13/2018	<u>142</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 3/13/2018. Parties were represented by counsel. No further orders are entered at this time. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 03/13/2018)
03/26/2018	<u>143</u>	***WITHDRAWN PER DKT. 156*** MOTION to Certify Class (<i>Second Renewed Motion</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) Modified on 9/28/2018 (LDH). (Entered: 03/26/2018)
03/26/2018	<u>144</u>	MOTION to Withdraw <u>114</u> MOTION to Certify Class (<i>Renewed</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 03/26/2018)
03/27/2018	<u>145</u>	ORDER withdrawing First Renewed <u>114</u> Motion to Certify Class and granting <u>144</u> Motion to Withdraw <u>114</u> . The Second Renewed Motion for Class Certification <u>143</u> , remains pending before the Court. Signed by Judge Sarah Evans Barker on 3/27/2018. (CBU) (Entered: 03/28/2018)
04/09/2018	<u>146</u>	MOTION for Extension of Time to File Response to April 23, 2018 re <u>143</u> MOTION to Certify Class (<i>Second Renewed Motion</i>), filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 04/09/2018)
04/10/2018	<u>147</u>	ORDER granting <u>146</u> Motion for Extension of Time to File Response to 4/23/2018 to <u>143</u> MOTION to Certify Class (<i>Second Renewed Motion</i>).. Signed by Magistrate Judge Matthew P. Brookman on 4/10/2018. (JRB) (Entered: 04/10/2018)
04/23/2018	<u>148</u>	RESPONSE to Motion re <u>143</u> MOTION to Certify Class (<i>Second Renewed Motion</i>), filed by Defendant SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION. (Jones, Benjamin) (Entered: 04/23/2018)
06/05/2018	<u>149</u>	SCHEDULING ORDER – Telephonic Status Conference set for 6/18/2018 at 03:00 PM (Eastern Time) before Magistrate Judge Matthew P. Brookman. The information needed to participate in this telephonic conference will be provided by a separate notification. Signed by Magistrate Judge Matthew P. Brookman on 6/5/2018.(JRB) (Entered: 06/05/2018)
06/19/2018	<u>151</u>	MINUTE ORDER for proceedings held before Magistrate Judge Matthew P. Brookman: Status Conference held on 6/18/2018. Parties were represented by counsel. No further orders are entered at this time. Signed by Magistrate Judge Matthew P. Brookman. (TMB) (Entered: 06/19/2018)
08/08/2018	<u>152</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5–3, Gavin Minor Rose hereby notifies the Clerk of the court of changed contact information. (Rose, Gavin) (Entered: 08/08/2018)
08/08/2018	<u>153</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)
09/28/2018	<u>154</u>	STIPULATION to <i>Class Certification</i> , filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit 1 (2016 Policy), # <u>2</u> Exhibit 2 (2018 Policy), # <u>3</u> Text of Proposed Order)(Rose, Gavin) (Entered: 09/28/2018)
09/28/2018	<u>155</u>	MOTION to Withdraw <u>131</u> MOTION for Preliminary Injunction (<i>Renewed</i>), <u>143</u> MOTION to Certify Class (<i>Second Renewed Motion</i>), filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Gavin) (Entered: 09/28/2018)

09/28/2018	<u>156</u>	ORDER granting <u>155</u> Motion to Withdraw – Plaintiffs' Renewed Motion for Preliminary Injunction (Dkt. 131) and their Second Renewed Motion for Class Certification (Dkt. 143) are hereby withdrawn, without prejudice to the refiling of either motion as circumstances dictate. Signed by Judge Sarah Evans Barker on 9/28/2018. (LDH) (Entered: 09/28/2018)
11/08/2018	<u>157</u>	STIPULATION to Enter Into Settlement Agreement Following Notice to the Class and a Fairness Hearing, filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Settlement Agreement, # <u>2</u> Exhibit 1 (2016 Policy), # <u>3</u> Exhibit 2 (2018 Policy))(Rose, Gavin) (Entered: 11/08/2018)
11/08/2018	<u>158</u>	Joint MOTION to Approve Manner and Form of Notice to the Class and to Set Fairness Hearing, filed by Intervenor Plaintiff TENNEIL SELNER. (Attachments: # <u>1</u> Proposed Class Notice, # <u>2</u> Text of Proposed Order)(Rose, Gavin) (Entered: 11/08/2018)
11/09/2018	<u>159</u>	ORDER – approving <u>157</u> Motion to Certifying Cause As Class Action ; The Court now finds that said Stipulation should be APPROVED and that this cause should be certified as a class action pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. Signed by Judge Sarah Evans Barker on 11/9/2018. (CKM) Modified on 11/27/2018 (CKM). (Entered: 11/09/2018)
11/26/2018	<u>160</u>	ORDER – Approving <u>158</u> Motion To Approve Manner and Form of Notice to the Class and Setting Fairness Hearing ; Fairness Hearing set for 2/5/2019 02:00 PM in room #216, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Sarah Evans Barker. Class counsel shall file a report concerning any comments received from the class no later than seven days prior to the fairness hearing. Signed by Judge Sarah Evans Barker on 11/26/2018. (CKM) (Entered: 11/27/2018)
01/28/2019	<u>161</u>	REPORT of Class Counsel and Request to Approve Settlement Agreement by TENNEIL SELNER. (Attachments: # <u>1</u> Exhibit (Class member e-mail))(Rose, Gavin) (Entered: 01/28/2019)
01/30/2019	<u>162</u>	SCHEDULING ORDER – The fairness hearing currently set for February 5, 2019 at 2:00 p.m. in Room 216 U.S. Courthouse, Indianapolis, Indiana is VACATED. The fairness hearing is instead set for a TELEPHONIC CONFERENCE on February 5, 2019 at 2:00 p.m. Counsel shall participate in this conference by calling the designated phone number, to be provided by the Court via email generated by the Court's ECF system(CKM) (Entered: 01/30/2019)
02/04/2019	<u>164</u>	NOTICE of Substitution of Appearance by Patricia H. Strachan replacing <i>Jennifer E. Lemmon and Kelly S. Thompson</i> on behalf of SECRETARY OF THE INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order) (Strachan, Patricia) (Entered: 02/04/2019)
02/05/2019	<u>165</u>	Minute Entry for Fairness Hearing held before Judge Sarah Evans Barker on 2/5/2019. Counsel for the parties appeared telephonically. The parties discussed the status of class notice mailing, the settlement agreement, and the attorney fee request. The settlement agreement and the attorney fee request were approved by the Court. Counsel for the plaintiff will submit a proposed order. The proceedings were adjourned. (Court Reporter Laura Howie–Walters.) (LDH) (Entered: 02/05/2019)
02/07/2019	<u>166</u>	Submission of Proposed Order Approving Settlement Agreement, filed by Intervenor Plaintiff TENNEIL SELNER. (Rose, Gavin) (Entered: 02/07/2019)
02/12/2019	<u>167</u>	ORDER – FINDING SETTLEMENT AGREEMENT TO BE FAIR, REASONABLE, AND ADEQUATE, AND APPROVING SETTLEMENT AGREEMENT; The Court finds that class notice was provided in a reasonable manner that was calculated to apprise the class of the proposed Settlement Agreement and that meets the standards of Federal Rule 23(e) and <i>Mullane v. Central Hanover Bank & Trust Co.</i> , 339 U.S. 306 (1950). The Court further finds, after applying the factors enumerated in the 2018 amendments to Federal Rule 23(e) as well as the factors articulated by the Seventh Circuit in <i>Synfuel Technologies, Inc. v. DHL Express (USA), Inc.</i> , 463 F.3d 646 (7th Cir. 2006), that the Settlement Agreement is a fair, reasonable, and adequate resolution of this cause, and that the Settlement Agreement should be, and hereby is, approved. Signed by Judge Sarah Evans Barker on 2/12/2019. (CKM) (Entered: 02/12/2019)