

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:17-cv-00289-JMS-MJD**

STAFFORD, ET AL v. CARTER, ET AL
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/27/2017
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

MICHAEL RAY STAFFORD
*on behalf of himself and other similarly
situated individuals*

represented by **Mark W. Sniderman**
FINDLING PARK CONYERS WOODY
& SNIDERMAN, PC
151 N. Delaware St.
Suite 1520
Indianapolis, IN 46204
(317) 361-4700
Fax: (317) 231-1106
Email: msniderman@findlingpark.com
ATTORNEY TO BE NOTICED

Robert A. Katz
INDIANA UNIVERSITY MCKINNEY
SCHOOL OF LAW
530 West New York Street
Room 349
Indianapolis, IN 46202
317-278-4791
Fax: 317-278-3326
Email: rokatz@iu.edu
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

CHARLES SMITH
*on behalf of himself and other similarly
situated individuals*

represented by **Mark W. Sniderman**
(See above for address)
ATTORNEY TO BE NOTICED

Robert A. Katz
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

DOUGLAS SMITH
*on behalf of himself and other similarly
situated individuals*

represented by **Mark W. Sniderman**
(See above for address)
ATTORNEY TO BE NOTICED

Robert A. Katz
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

ROBERT E. CARTER, JR.

represented by **Benjamin Myron Lane Jones**
INDIANA ATTORNEY GENERAL
302 West Washington Street,
Indiana Government Center South
Fifth Floor

Indianapolis, IN 46204
317-234-6685
Fax: 317-232-7979
Email: benjamin.jones@atg.in.gov
ATTORNEY TO BE NOTICED

Jonathan Paul Nagy
INDIANA ATTORNEY GENERAL
302 West Washington Street,
Indiana Government Center South
Fifth Floor
Indianapolis, IN 46204
317-233-8296
Fax: 317-232-7979
Email: jonathan.nagy@atg.in.gov
ATTORNEY TO BE NOTICED

Jordan Michael Stover
INDIANA ATTORNEY GENERAL
302 West Washington Street
Indiana Government Center South, Fifth
Floor
Indianapolis, IN 46204
317-234-3089
Email: jordan.stover@atg.in.gov
ATTORNEY TO BE NOTICED

Lyubov Gore
INDIANA ATTORNEY GENERAL
302 West Washington Street
Indiana Government Center South, Fifth
Floor
Indianapolis, IN 46204
317-234-8091
Fax: 317-232-7979
Email: lyubov.gore@atg.in.gov
ATTORNEY TO BE NOTICED

Defendant

MICHAEL MITCHEFF, M.D.

represented by **Benjamin Myron Lane Jones**
(See above for address)
ATTORNEY TO BE NOTICED

Douglass R. Bitner
KATZ KORIN CUNNINGHAM, P.C.
The Emelie Building
334 North Senate Avenue
Indianapolis, IN 46204
317-464-1100
Fax: 317-464-1111
Email: dbitner@kkclegal.com
ATTORNEY TO BE NOTICED

Jonathan Paul Nagy
(See above for address)
ATTORNEY TO BE NOTICED

Jordan Michael Stover
(See above for address)
ATTORNEY TO BE NOTICED

Lyubov Gore
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/27/2017	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against All Defendants, filed by All Plaintiffs. (Filing fee \$400, receipt number 0756-4216787) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Civil Cover Sheet, # <u>3</u> Proposed Summons)(Sniderman, Mark) (Entered: 01/27/2017)
01/27/2017	<u>2</u>	NOTICE of Appearance by Mark W. Sniderman on behalf of Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 01/27/2017)
01/28/2017	<u>3</u>	MOTION for Attorney(s) Robert A. Katz to Appear pro hac vice (Filing fee \$100, receipt number 0756-4216813), filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Certification of Robert A. Katz, # <u>2</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 01/28/2017)
01/30/2017	<u>4</u>	ORDER granting <u>3</u> Motion to Appear pro hac vice. Attorney Robert A. Katz for CHARLES SMITH, DOUGLAS SMITH and MICHAEL RAY STAFFORD added. If not already registered with the Court's Electronic Filing System, Robert A. Katz is ordered to register within ten (10) days of the entry of this order. Copy to Robert A. Katz via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/30/2017. (SWM) (Entered: 01/30/2017)
01/30/2017	<u>5</u>	TRIAL PROCEDURES AND PRACTICES before Judge Jane Magnus-Stinson. (JKS) (Entered: 01/30/2017)
01/30/2017	<u>6</u>	Summons Issued as to ROBERT E. CARTER, JR., CORIZON HEALTH, INC., MONICA GIPSON, R.N., INDIANA DEPARTMENT OF CORRECTIONS, HOUMAN KIANI, M.D., MICHAEL MITCHEFF, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (NAD) (Entered: 01/30/2017)
01/30/2017	<u>7</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (NAD) (Entered: 01/30/2017)
02/10/2017	<u>8</u>	NOTICE of Appearance by Jeb Adam Crandall on behalf of Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Crandall, Jeb) (Entered: 02/10/2017)
02/10/2017	<u>9</u>	NOTICE of Appearance by Adriana Katzen on behalf of Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Katzen, Adriana) (Entered: 02/10/2017)
02/10/2017	<u>10</u>	Corporate Disclosure Statement by CORIZON HEALTH, INC. identifying Corporate Parent VALITAS HEALTH SERVICES, INC. for CORIZON HEALTH, INC... (Katzen, Adriana) (Entered: 02/10/2017)
02/16/2017	<u>11</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. ROBERT E. CARTER, JR. served on 2/6/2017; CORIZON HEALTH, INC. served on 2/3/2017; MONICA GIPSON, R.N. served on 2/6/2017; INDIANA DEPARTMENT OF CORRECTIONS served on 2/6/2017; HOUMAN KIANI, M.D. served on 2/3/2017; MICHAEL MITCHEFF, M.D. served on 2/6/2017; MICHAEL PERSON, M.D. served on 2/3/2017; PAUL TALBOT, M.D. served on 2/3/2017. (Attachments: # <u>1</u> CMRR, # <u>2</u> CMRR, # <u>3</u> CMRR, # <u>4</u> CMRR)(Sniderman, Mark) (Entered: 02/16/2017)
02/21/2017	<u>12</u>	NOTICE of Parties' First Extension of Time, filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Katzen, Adriana) Modified on 2/22/2017 (JKS). (Entered: 02/21/2017)
02/23/2017	<u>13</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., INDIANA DEPARTMENT OF CORRECTIONS, MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 02/23/2017)
02/23/2017	<u>14</u>	NOTICE of Parties' First Extension of Time, filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., INDIANA DEPARTMENT OF CORRECTIONS, MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 02/23/2017)

		02/23/2017)
02/23/2017	<u>15</u>	NOTICE of Appearance by Jonathan Paul Nagy on behalf of Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., INDIANA DEPARTMENT OF CORRECTIONS, MICHAEL MITCHEFF, M.D.. (Nagy, Jonathan) (Entered: 02/23/2017)
03/09/2017	<u>16</u>	NOTICE of Appearance by Melissa K. Taft on behalf of Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Taft, Melissa) (Entered: 03/09/2017)
03/09/2017	<u>17</u>	NOTICE of Appearance by Scott James Preston on behalf of Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Preston, Scott) (Entered: 03/09/2017)
03/09/2017	<u>18</u>	MOTION for Attorney(s) Jessica L. Liss to Appear pro hac vice (Filing fee \$100, receipt number 0756-4268604), filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Exhibit A – Certification of Jessica L. Liss, # <u>2</u> Text of Proposed Order)(Taft, Melissa) (Entered: 03/09/2017)
03/09/2017	<u>19</u>	MOTION for Attorney(s) Carrie L. Kinsella to Appear pro hac vice (Filing fee \$100, receipt number 0756-4268635), filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Exhibit A – Certification of Carrie L. Kinsella, # <u>2</u> Text of Proposed Order)(Taft, Melissa) (Entered: 03/09/2017)
03/09/2017	<u>20</u>	MOTION to Withdraw Attorney Appearance , filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Text of Proposed Order)(Crandall, Jeb) (Entered: 03/09/2017)
03/10/2017	<u>21</u>	ORDER granting <u>20</u> Motion to Withdraw Attorney Appearance. Attorney Jeb Adam Crandall and Attorney Adriana Katzen withdrawn. Signed by Magistrate Judge Mark J. Dinsmore on 3/10/2017. (SWM) (Entered: 03/13/2017)
03/10/2017	<u>22</u>	ORDER granting <u>18</u> Motion to Appear pro hac vice. Attorney Jessica L. Liss for CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D. and PAUL TALBOT, M.D. added. Copy to Jessica L. Liss via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 3/10/2017. (SWM) (Entered: 03/13/2017)
03/10/2017	<u>23</u>	ORDER granting <u>19</u> Motion to Appear pro hac vice. Attorney Carrie L. Kinsella for CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D. and PAUL TALBOT, M.D. added. Copy to Carrie L. Kinsella via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 3/10/2017. (SWM) (Entered: 03/13/2017)
03/14/2017	<u>24</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 3/30/2017 01:30 PM (Eastern Time) in Telephonic before Magistrate Judge Mark J. Dinsmore. Counsel shall attend the conference by calling the designated telephone number, to be provided by the court via email. The parties shall file a proposed Case Management Plan ("CMP") no fewer than seven days before the pretrial conference. See Order for additional information. Signed by Magistrate Judge Mark J. Dinsmore on 3/14/2017.(SWM) (Entered: 03/14/2017)
03/20/2017	<u>25</u>	Unopposed MOTION for Continuance of <i>Initial Pretrial Conference</i> , filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Text of Proposed Order)(Preston, Scott) (Entered: 03/20/2017)
03/23/2017	<u>26</u>	ORDER granting <u>25</u> Motion for Continuance–TELEPHONIC Initial Pretrial Conference reset for 4/28/2017 at 4:00 PM (Eastern) before Magistrate Judge Mark J. Dinsmore. Signed by Magistrate Judge Mark J. Dinsmore on 3/23/2017.(CBU) (Entered: 03/23/2017)
03/24/2017	<u>27</u>	ANSWER to <u>1</u> Complaint , filed by CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D..(Liss, Jessica) (Entered: 03/24/2017)

03/24/2017	<u>28</u>	MOTION to Dismiss <i>Count V of Plaintiffs' Complaint</i> , filed by Defendant CORIZON HEALTH, INC.. (Liss, Jessica) (Entered: 03/24/2017)
03/24/2017	<u>29</u>	BRIEF/MEMORANDUM in Support re <u>28</u> MOTION to Dismiss <i>Count V of Plaintiffs' Complaint</i> , filed by Defendant CORIZON HEALTH, INC.. (Liss, Jessica) (Entered: 03/24/2017)
03/27/2017	<u>30</u>	***Corporate Disclosure filed at <u>10</u> *** NOTICE to File Corporate Disclosure Statement to CORIZON HEALTH, INC. (LAB) (RSF) Modified on 3/29/2017 (RSF). (Entered: 03/27/2017)
03/27/2017	<u>31</u>	ANSWER to <u>1</u> Complaint , filed by MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D..(Jones, Benjamin) (Entered: 03/27/2017)
03/27/2017	<u>32</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants ROBERT E. CARTER, JR., INDIANA DEPARTMENT OF CORRECTIONS. (Jones, Benjamin) (Entered: 03/27/2017)
03/27/2017	<u>33</u>	BRIEF/MEMORANDUM in Support re <u>32</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Defendants ROBERT E. CARTER, JR., INDIANA DEPARTMENT OF CORRECTIONS. (Jones, Benjamin) (Entered: 03/27/2017)
04/07/2017	<u>34</u>	Unopposed MOTION for Extension of Time to 04/17/2017 in which to <u>28</u> MOTION to Dismiss <i>Count V of Plaintiffs' Complaint</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 04/07/2017)
04/10/2017	<u>35</u>	MOTION for Attorney(s) William R. Lunsford to Appear pro hac vice (Filing fee \$100, receipt number 0756-4309891), filed by Defendant CORIZON HEALTH, INC.. (Attachments: # <u>1</u> Exhibit A – Certification of William R. Lunsford, # <u>2</u> Text of Proposed Order)(Preston, Scott) (Entered: 04/10/2017)
04/10/2017	<u>36</u>	ORDER granting <u>34</u> Motion for Extension of Time to Respond to Motions to Dismiss – Plaintiffs' responses to Corizon Health, Inc.'s, Motion to Dismiss Count V of Plaintiffs' Complaint, and Indiana Department of Correction and Robert E. Carter, Jr.'s Motion to Dismiss Plaintiffs' Complaint; or Plaintiffs' amended complaint shall be filed on or before April 17, 2017. Signed by Judge Jane Magnus-Stinson on 4/10/2017. (JRB) (Entered: 04/10/2017)
04/11/2017	<u>37</u>	ORDER granting <u>35</u> Motion to Appear pro hac vice. Attorney William R. Lunsford for CORIZON HEALTH, INC. added. Signed by Magistrate Judge Mark J. Dinsmore on 4/11/2017 (dist made) (CBU) (Entered: 04/12/2017)
04/17/2017	<u>38</u>	NOTICE of Dismissal as to Defendant Indiana Department of Corrections Only, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Sniderman, Mark) (Entered: 04/17/2017)
04/17/2017	<u>39</u>	AMENDED COMPLAINT for Declaratory and Injunctive Relief against ROBERT E. CARTER, JR., CORIZON HEALTH, INC., MONICA GIPSON, R.N., HOUMAN KIANI, M.D., MICHAEL MITCHEFF, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., CORIZON, LLC, WEXFORD OF INDIANA, LLC, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Hepatitis C Guidance, # <u>2</u> Proposed Summons Corizon, LLC, # <u>3</u> Proposed Summons Wexford of Indiana, LLC)(Sniderman, Mark) (Entered: 04/17/2017)
04/18/2017	<u>40</u>	Summons Issued as to CORIZON, LLC. (RSF) (Entered: 04/18/2017)
04/18/2017	<u>41</u>	Summons Issued as to WEXFORD OF INDIANA, LLC. (RSF) (Entered: 04/18/2017)
04/20/2017	<u>42</u>	Joint MOTION for Continuance <i>Initial Pretrial Conference</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 04/20/2017)
04/21/2017	<u>43</u>	ORDER denying Parties' <u>42</u> Joint Motion for Continuance. The April 28, 2017 telephonic initial pretrial conference will proceed as scheduled. [Dkts. 24 & 26.] The parties shall file their proposed Case Management Plan in compliance with the Court's Scheduling Order [Dkt. 24] on or before April 26, 2017. Signed by Magistrate Judge Mark J. Dinsmore on 4/21/2017. (SWM) (Entered: 04/21/2017)

04/24/2017	<u>45</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. WEXFORD OF INDIANA, LLC served on 4/20/2017. (Sniderman, Mark) (Entered: 04/24/2017)
04/24/2017	<u>46</u>	ORDER – Presently pending in this case are: (1) a Motion to Dismiss Count V of Plaintiff's Complaint filed by Defendant Corizon Health, Inc. ("Corizon"), [Filing No. <u>28</u>]; and (2) a Motion to Dismiss filed by Defendants Indiana Department of Correction ("IDOC") and Commissioner Robert E. Carter, Jr., [Filing No. <u>32</u>]. Both motions were filed before Plaintiffs filed an Amended Complaint on April 17, 2017, [Filing No. <u>39</u>]. The Court DENIES AS MOOT Corizon's Motion to Dismiss Count V of Plaintiff's Complaint, [Filing No. <u>28</u>]. Mr. Carter is ORDERED to file a Report by May 1, 2017 advising whether he would like his Motion to Dismiss, [Filing No. <u>32</u>], to remain pending, or whether he would like to withdraw the motion and separately answer or otherwise plead to the Amended Complaint. (See Order.) Signed by Judge Jane Magnus-Stinson on 4/24/2017. (APD) (Entered: 04/24/2017)
04/26/2017	<u>47</u>	<i>Proposed</i> CASE MANAGEMENT PLAN TENDERED, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD . (Sniderman, Mark) (Entered: 04/26/2017)
04/27/2017	<u>48</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. CORIZON, LLC served on 4/20/2017. (Sniderman, Mark) (Entered: 04/27/2017)
05/01/2017	<u>49</u>	NOTICE of Parties' First Extension of Time, filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 05/01/2017)
05/01/2017	<u>50</u>	RESPONSE to Order <u>46</u> , filed by Defendant ROBERT E. CARTER, JR.. (Jones, Benjamin) Modified on 5/2/2017 to include link (APD). (Entered: 05/01/2017)
05/01/2017	<u>51</u>	NOTICE of Parties' First Extension of Time, filed by Defendants CORIZON HEALTH, INC., HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 05/01/2017)
05/01/2017	<u>52</u>	NOTICE of Service of Initial Disclosures , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 05/01/2017)
05/02/2017	<u>53</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Initial Pretrial Conference held on 4/28/2017. Case Management Plan to be approved by separate order. Telephonic Status Conference set for 5/30/2017 at 2:20 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. Settlement Conference set for 1/23/2018 at 9:00 AM (Eastern Time) in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. *See Order.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 05/02/2017)
05/02/2017	<u>54</u>	ORDER: CASE MANAGEMENT PLAN APPROVED AS AMENDED. Dispositive Motions due by 3/16/2018. Discovery due by 2/16/2018. Signed by Magistrate Judge Mark J. Dinsmore on 5/2/2017.(SWM) (Entered: 05/02/2017)
05/02/2017	<u>55</u>	ORDER REGARDING PROTECTIVE ORDERS. See Order. Signed by Magistrate Judge Mark J. Dinsmore on 5/2/2017.(SWM) (Entered: 05/02/2017)
05/03/2017	<u>56</u>	ORDER denying as moot Defendant's <u>32</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge Jane Magnus-Stinson on 5/3/2017. (JRB) (Entered: 05/03/2017)
05/04/2017	<u>57</u>	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 05/04/2017)
05/08/2017	<u>58</u>	Witness List <i>Preliminary</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD, Exhibit List <i>Preliminary</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 05/08/2017)
05/11/2017	<u>59</u>	NOTICE of Appearance by Jessica L. Liss on behalf of Defendant CORIZON, LLC. (Liss, Jessica) (Entered: 05/11/2017)

05/11/2017	<u>60</u>	NOTICE of Appearance by Carrie L. Kinsella on behalf of Defendant CORIZON, LLC. (Kinsella, Carrie) (Entered: 05/11/2017)
05/11/2017	<u>61</u>	ANSWER to <u>39</u> Amended Complaint , filed by CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D..(Liss, Jessica) (Entered: 05/11/2017)
05/11/2017	<u>62</u>	MOTION for Extension of Time to 6/8/2017 in which to <u>39</u> Amended Complaint <i>file responsve pleading</i> , filed by Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 05/11/2017)
05/12/2017	<u>63</u>	NOTICE of Appearance by Scott James Preston on behalf of Defendant CORIZON, LLC. (Preston, Scott) (Entered: 05/12/2017)
05/12/2017	<u>64</u>	NOTICE of Appearance by Melissa K. Taft on behalf of Defendant CORIZON, LLC. (Taft, Melissa) (Entered: 05/12/2017)
05/15/2017	<u>65</u>	Exhibit List <i>Preliminary</i> , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D., Witness List <i>Preliminary</i> , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 05/15/2017)
05/15/2017	<u>66</u>	Unopposed MOTION for Extension of Time to 5/22/2017 <i>to File Preliminary Witness and Exhibit Lists</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Liss, Jessica) (Entered: 05/15/2017)
05/15/2017	<u>67</u>	MOTION for Extension of Time to 06-08-2017 in which to <u>24</u> Scheduling Order <i>file Defendant's Expert and Witness List</i> , filed by Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 05/15/2017)
05/17/2017	<u>68</u>	ORDER denying as moot Defendant Wexford of Indiana, LLC's <u>62</u> Motion for Extension of Time to File response to amended complaint. Local Rule 6-1(b) provides for an automatic enlargement of time to respond to a pleading or any written request for discovery or admissions, with the consent of opposing counsel and not to exceed twenty-eight days, by the simple filing of a notice of such enlargement with the Court. S.D. Ind. L.R. 6-1(b). All of those requirements are met in this instance; therefore, no motion is required. The Court will treat Docket No. 62 as Defendant's notice of automatic enlargement of time to respond to Plaintiffs' amended complaint to and including June 8, 2017. Signed by Magistrate Judge Mark J. Dinsmore on 5/17/2017. (SWM) (Entered: 05/18/2017)
05/17/2017	<u>69</u>	ORDER granting Defendants Corizon LLC, Corizon Health, Inc., Houman Kiani, M.D., Michael Person, M.D. and Paul Talbot, M.D.'s <u>66</u> Motion for Extension of Time to File preliminary witness and exhibit lists to 5/22/2017. Signed by Magistrate Judge Mark J. Dinsmore on 5/17/2017. (SWM) (Entered: 05/18/2017)
05/17/2017	<u>70</u>	ORDER granting Defendant Wexford of Indiana's <u>67</u> Motion for Extension of Time to File preliminary witness and exhibit list to 6/8/2017. Signed by Magistrate Judge Mark J. Dinsmore on 5/17/2017. (SWM) (Entered: 05/18/2017)
05/22/2017	<u>71</u>	Exhibit List <i>Preliminary</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., Witness List <i>Preliminary</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 05/22/2017)
05/25/2017	<u>72</u>	NOTICE of Appearance by William R. Lunsford on behalf of Defendant CORIZON, LLC. (Lunsford, William) (Entered: 05/25/2017)
05/30/2017	<u>74</u>	<i>State Defendant's</i> ANSWER to <u>39</u> Amended Complaint , filed by ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D..(Jones, Benjamin) (Entered: 05/30/2017)
05/30/2017	<u>75</u>	MINUTE ORDER for proceedings hld before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 5/30/2017. Parties discussed discovery. Telephonic Status Conference set for 7/18/2017 at 10:00 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *See Order.* Signed by Magistrate Judge Mark J.

		Dinsmore. (GD) (Entered: 05/31/2017)
06/05/2017	<u>76</u>	TRIAL SETTING AND NOTICE OF FINAL PRETRIAL CONFERENCE – This cause is hereby set for a Jury Trial before Judge Jane Magnus–Stinson on November 5, 2018 at 9:00 a.m. in Room 307 of the Birch Bayh Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. A Final Pretrial Conference is also set for October 12, 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. Counsel are reminded of the required pretrial preparation deadlines set forth in paragraph VIII of the case management plan dkt <u>54</u> . Counsel are further reminded to review the undersigned's Practices and Procedures, available at dkt <u>5</u> . Signed by Judge Jane Magnus–Stinson on 6/5/2017.(APD) (Entered: 06/05/2017)
06/08/2017	<u>77</u>	MOTION to Dismiss <i>Count IV of First Amended Complaint</i> , filed by Defendant WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Exhibit Memorandum of Law in Support of Motion to Dismiss)(Bitner, Douglass) (Entered: 06/08/2017)
06/08/2017	<u>78</u>	Exhibit List <i>Preliminary</i> and Witness List, filed by Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) Modified on 6/9/2017 to include witness list (APD). (Entered: 06/08/2017)
06/08/2017	<u>79</u>	*** WITHDRAWN PER ORDER DATED 6/13/2017 *** ANSWER to <u>39</u> Amended Complaint , filed by WEXFORD OF INDIANA, LLC.(Bitner, Douglass) Modified on 6/13/2017 (SWM). (Entered: 06/08/2017)
06/08/2017	<u>80</u>	MOTION to Strike <u>79</u> Answer to Amended Complaint , filed by Defendant WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Exhibit Wexford's Answer to First Amended Complaint)(Bitner, Douglass) (Entered: 06/08/2017)
06/13/2017	<u>81</u>	ORDER: This matter comes before the Court on Defendant Wexford of Indiana's Motion to Strike. Dkt. <u>80</u> . The Court will treat the motion as Wexford's request to withdraw the original answer and substitute the answer filed with the motion. The Court, being duly advised, hereby GRANTS that motion. The Clerk is directed to show Defendant Wexford's Answer and Affirmative Defenses [Dkt. 79] as WITHDRAWN. The Clerk is directed to docket Defendant Wexford's Answer and Affirmative Defenses in Response to Plaintiff's First Amended Complaint for Declaratory and Injunctive Relief [Dkt. 80–1], which will be deemed to be Wexford's original Answer to the Amended Complaint. Signed by Magistrate Judge Mark J. Dinsmore on 6/13/2017. (SWM) (Entered: 06/13/2017)
06/13/2017	<u>82</u>	ANSWER and Affirmative Defenses to Amended Complaint, filed by Defendant WEXFORD OF INDIANA, LLC. (SWM) (Entered: 06/13/2017)
06/22/2017	<u>83</u>	Unopposed MOTION for Extension of Time to File Response to July 6, 2017 re <u>77</u> MOTION to Dismiss <i>Count IV of First Amended Complaint</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 06/22/2017)
06/23/2017	<u>84</u>	ORDER ON UNOPPOSED MOTION FOR EXTENSION OF TIME TO DISMISS COUNT IV – Granting <u>83</u> Motion for Extension of Time to Respond to Defendant's Motion to Dismiss Count IV. Plaintiff's response shall be filed on or before July 6, 2017. Signed by Judge Jane Magnus–Stinson on 6/23/2017. (APD) (Entered: 06/23/2017)
06/29/2017	<u>85</u>	NOTICE <i>Regarding Extension of Time to File Discovery Responses</i> , filed by Defendant WEXFORD OF INDIANA, LLC (Bitner, Douglass) (Entered: 06/29/2017)
07/03/2017	<u>86</u>	AMENDED SCHEDULING ORDER (Time Only) – This matter is currently set for a telephonic Status Conference on Tuesday, July 18, 2017 at 10:00 a.m. The Court now changes the time to 8:30 a.m. (Eastern) on that same date. All other requirements of the Court's order dated May 30, 2017 [Dkt. <u>75</u>] remain in effect. Signed by Magistrate Judge Mark J. Dinsmore on 7/3/2017. (JD) Modified on 7/5/2017 (GD). (Main Document 86 replaced on 7/5/2017) (GD). (Entered: 07/03/2017)
07/06/2017	<u>87</u>	RESPONSE in Opposition re <u>77</u> MOTION to Dismiss <i>Count IV of First Amended Complaint</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 07/06/2017)

07/18/2017	<u>89</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 7/18/2017. Parties discussed status of & future plans for discovery. Telephonic Status Conference set for 8/11/2017 at 11:40 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *See Order.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 07/18/2017)
07/26/2017	<u>90</u>	NOTICE of Filing <i>Discovery Responses</i> by WEXFORD OF INDIANA, LLC (Bitner, Douglass) (Entered: 07/26/2017)
08/14/2017	<u>92</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 8/11/2017. Parties discussed status of & plans for future discovery. Telephonic Status Conference set for 9/27/2017 at 5:00 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *See Order.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 08/15/2017)
08/31/2017	<u>93</u>	NOTICE of Appearance by Joseph A. Panatera on behalf of Defendant WEXFORD OF INDIANA, LLC. (Panatera, Joseph) (Entered: 08/31/2017)
09/13/2017	<u>94</u>	MOTION to Withdraw Attorney Appearance , filed by Defendant WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Panatera, Joseph) (Entered: 09/13/2017)
09/13/2017	<u>95</u>	Unopposed MOTION for Extension of Time to October 15, 2017 <i>to Serve Expert Reports</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 09/13/2017)
09/14/2017	<u>96</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Douglass R. Bitner hereby notifies the Clerk of the court of changed contact information. (Bitner, Douglass) (Entered: 09/14/2017)
09/14/2017	<u>97</u>	ORDER granting <u>94</u> Motion to Withdraw Attorney Appearance. Attorney Joseph A. Panatera withdrawn. Signed by Magistrate Judge Mark J. Dinsmore on 9/14/2017. (SWM) (Entered: 09/15/2017)
09/14/2017	<u>98</u>	ORDER granting in part and denying in part Plaintiffs' <u>95</u> Motion for Extension of Time. Plaintiff shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before October 13, 2017. Defendants shall disclose the name, address, and vita of any expert witnesses, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before December 13, 2017. Signed by Magistrate Judge Mark J. Dinsmore on 9/14/2017. (SWM) (Entered: 09/15/2017)
09/15/2017	<u>99</u>	MOTION to Certify Class , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 09/15/2017)
09/15/2017	<u>100</u>	BRIEF/MEMORANDUM in Support re <u>99</u> MOTION to Certify Class , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Declaration of Raj Vuppalanchi, MBBS, # <u>2</u> Exhibit Health Care Services Directive 3.12, # <u>3</u> Exhibit Management of Hepatitis A, B, and C, # <u>4</u> Exhibit Health Care Services Directive 3.09, # <u>5</u> Exhibit BOP Clinical Guidance, May 2017, # <u>6</u> Exhibit Corizon Document, # <u>7</u> Exhibit Wexford's Answers to Interrogatories, # <u>8</u> Exhibit In Focus, IDOC 2015 Annual Report, # <u>9</u> Exhibit Prisoners with Hep C get Cured in Some States but not Others, # <u>10</u> Exhibit Declaration of Mark W. Sniderman, # <u>11</u> Exhibit Declaration of Robert A. Katz)(Sniderman, Mark) (Entered: 09/15/2017)
09/28/2017	<u>102</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 9/27/2017. Parties discussed status of & future plans for discovery. Telephonic Status Conference set for 10/24/2017 at 1:50 PM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 09/28/2017)
10/10/2017	<u>103</u>	ORDER – Plaintiffs Michael Ray Stafford, Charles Smith, and Douglas Smith filed this Amended Complaint ("Complaint") alleging that Wexford of Indiana, LLC ("Wexford") violated their rights under the Eighth Amendment via 42 U.S.C. § 1983, Title III of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq. ("ADA"),

		and the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq. ("Rehabilitation Act"). [Filing No. <u>39</u> .] Wexford has filed a Motion to Dismiss Plaintiffs' ADA and Rehabilitation Act claims [Filing No. <u>77</u>], and the motion is now ripe for the Court's decision. For the reasons stated herein, the Court DENIES Wexford's Motion to Dismiss. [Filing No. <u>77</u> .] Signed by Judge Jane Magnus-Stinson on 10/10/2017. (APD) (Entered: 10/10/2017)
10/13/2017	<u>104</u>	Unopposed MOTION for Extension of Time to October 27, 2017 <i>To Serve Expert Reports</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 10/13/2017)
10/17/2017	<u>105</u>	SCHEDULING ORDER: This cause comes before the Court on Plaintiffs' Second Unopposed Motion for Extension of Time to Serve Expert Reports. Dkt. [104.] This matter is set for a telephonic hearing on the above-noted motion on Thursday, October 19, 2017 at 9:00 a.m. (Eastern). Counsel shall attend the hearing 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 10/17/2017.(SWM) (Entered: 10/17/2017)
10/19/2017	<u>107</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Hearing held on 10/19/2017 re <u>104</u> Plaintiffs' Second Unopposed Motion for Extension of Time to Serve Expert Reports. Parties confirmed they will be able to meet 2/16/2018 discovery cut-off. Accordingly, Plaintiffs' motion GRANTED. Paragraph II(F) of approved Case Management Plan as amended [Dkts. <u>54</u> & <u>98</u>] hereby amended: Plaintiffs' expert disclosures due by 10/27/2017; Defendants' expert disclosures due by 1/12/2018. No further enlargement of these deadlines is anticipated. Parties are instructed to confer as soon as possible to arrange to depose Defendants' experts prior to 2/16/2018. Defendants' experts are ordered to make themselves available for deposition prior to 2/16/2018. Telephonic Status Conference set for 10/24/2017 CONTINUED to 11/17/2017 at 8:40 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 10/20/2017)
10/25/2017	<u>108</u>	NOTICE of Appearance by Aleksandrina Penkova Pratt on behalf of Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Pratt, Aleksandrina) (Entered: 10/25/2017)
11/08/2017	<u>109</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Mark W. Sniderman hereby notifies the Clerk of the court of changed contact information. (Sniderman, Mark) (Entered: 11/08/2017)
11/14/2017	<u>111</u>	NOTICE of Joint Stipulation, filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., re <u>99</u> MOTION to Certify Class . (Liss, Jessica) (Entered: 11/14/2017)
11/15/2017	<u>112</u>	RESPONSE in Opposition re <u>99</u> MOTION to Certify Class , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 11/15/2017)
11/15/2017	<u>113</u>	RESPONSE in Opposition re <u>99</u> MOTION to Certify Class , filed by Defendant WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Affidavit of Dr. Neil Fisher)(Bitner, Douglass) (Entered: 11/15/2017)
11/17/2017	<u>114</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 11/17/2017. Parties discussed status of & future plans for discovery. Telephonic Status Conference set for 12/20/2017 at 11:30 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 11/20/2017)
12/04/2017	<u>115</u>	Corporate Disclosure Statement by WEXFORD OF INDIANA, LLC identifying Corporate Parent The Bantry Group Corporation for WEXFORD OF INDIANA, LLC.. (Bitner, Douglass) (Entered: 12/04/2017)
12/15/2017	<u>116</u>	Joint MOTION for Extension of Time to 03/09/2018 , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON,

		M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 12/15/2017)
12/19/2017	<u>118</u>	NOTICE of Filing <i>Proposed Order in connection with Document 116</i> by CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D. (Liss, Jessica) (Entered: 12/19/2017)
12/19/2017	<u>119</u>	ORDER denying Parties' <u>116</u> Joint Motion for Extension of Time. The parties' final and witness and exhibit lists shall be filed on or before December 22, 2017. Signed by Magistrate Judge Mark J. Dinsmore on 12/19/2017. (SWM) (Entered: 12/19/2017)
12/19/2017	<u>120</u>	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant PAUL TALBOT, M.D.. (Bitner, Douglass) (Entered: 12/19/2017)
12/19/2017	<u>121</u>	NOTICE of Appearance by Jarrod Alvin Malone on behalf of Defendants PAUL TALBOT, M.D., WEXFORD OF INDIANA, LLC. (Malone, Jarrod) (Entered: 12/19/2017)
12/20/2017	<u>124</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 12/20/2017. Parties discussed status of discovery & readiness for upcoming settlement conference. Parties are directed to re-read & comply with all requirements of Court's order scheduling settlement conference. [Dkt. <u>53</u> at 1-5.] Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 12/21/2017)
12/21/2017	<u>122</u>	Joint MOTION for Extension of Time to 4/16/2018 to <i>Complete Discovery, File Dispositive Motions and of the Trial Date</i> , filed by Defendants CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL MITCHEFF, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Bitner, Douglass) (Entered: 12/21/2017)
12/21/2017	<u>123</u>	NOTICE <i>Wexford's Final Witness and Exhibit List</i> , filed by Defendant WEXFORD OF INDIANA, LLC (Bitner, Douglass) (Entered: 12/21/2017)
12/22/2017	<u>125</u>	Exhibit List , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., Witness List , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 12/22/2017)
12/22/2017	<u>126</u>	Witness List , <i>Final</i> , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D., Exhibit List , <i>Final</i> , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 12/22/2017)
12/22/2017	<u>127</u>	Witness List <i>Final</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD, Exhibit List <i>Final</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 12/22/2017)
01/02/2018	<u>128</u>	Joint MOTION for <i>Leave to Take Depositions of Plaintiffs Pursuant to Rule 30(A)</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Defendants' Motion for Leave to Take Depositions)(Liss, Jessica) (Entered: 01/02/2018)
01/03/2018	<u>129</u>	ORDER granting Defendants' <u>128</u> Motion for Leave to Take Depositions of Plaintiffs Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure. Signed by Magistrate Judge Mark J. Dinsmore on 1/3/2018. (SWM) (Entered: 01/03/2018)
01/09/2018	<u>130</u>	ORDER TO MAKE INMATE Douglas Smith AVAILABLE to participate telephonically in a settlement conference currently scheduled for 1/23/2018 at 9:00 a.m. (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/9/2018.(SWM) (Entered: 01/09/2018)
01/09/2018	<u>131</u>	ORDER TO MAKE INMATE Charles Smith AVAILABLE to participate telephonically in a settlement conference currently scheduled for 1/23/2018 at 9:00 a.m. (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/9/2018.(SWM) (Entered: 01/09/2018)

01/09/2018	<u>132</u>	ORDER TO MAKE INMATE Michael Stafford AVAILABLE to participate telephonically in a settlement conference currently scheduled for 1/23/2018 at 9:00 a.m. (Eastern). Copy to Shawna Morson via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/9/2018.(SWM) (Entered: 01/09/2018)
01/11/2018	<u>133</u>	REPLY in Support of Motion re <u>99</u> MOTION to Certify Class , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Declaration of Michael Ray Stafford, # <u>2</u> Exhibit Declaration of Charles Smith, # <u>3</u> Exhibit Declaration of Douglas Smith)(Sniderman, Mark) (Entered: 01/11/2018)
01/16/2018	<u>134</u>	MOTION to Excuse Their Attendance or, in the Alternative, to Appear by Telephone, in Regard to the Settlement Conference, filed by Defendants HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Kinsella, Carrie) (Entered: 01/16/2018)
01/17/2018	<u>135</u>	MOTION to Excuse Individual Defendants from Appearing at the Settlement Conference, filed by Defendants MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 01/17/2018)
01/17/2018	<u>136</u>	NOTICE of proposed Order, filed by Defendants HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D., re <u>134</u> MOTION to Excuse Their Attendance or, in the Alternative, to Appear by Telephone, in Regard to the Settlement Conference. (Kinsella, Carrie) (Entered: 01/17/2018)
01/18/2018	<u>137</u>	ORDER granting in part and denying in part Defendants Kiani, Person, and Talbot's <u>134</u> Motion to Excuse Their Attendance or, in the Alternative, to Appear by Telephone, in Regard to the Settlement Conference. See Order. Signed by Magistrate Judge Mark J. Dinsmore on 1/18/2018. (SWM) (Entered: 01/18/2018)
01/18/2018	<u>138</u>	ORDER granting in part and denying in part Defendants' <u>135</u> Motion for leave for a representative from the Indiana Department of Correction to represent Defendants Mitcheff and Gipson at the January 23, 2017 settlement conference. See Order. Signed by Magistrate Judge Mark J. Dinsmore on 1/18/2018. (SWM) (Entered: 01/18/2018)
01/19/2018	<u>139</u>	ORDER TO PRODUCE INMATE AT COURT PROCEEDING currently scheduled for 1/23/2018 at 9:30 a.m (Eastern) in Courtroom 243. Copy to Shawna Morson and USMS. Signed by Magistrate Judge Mark J. Dinsmore on 1/19/2018.(SWM) (Entered: 01/19/2018)
01/20/2018	<u>140</u>	Unopposed MOTION for Leave to Attend Settlement Conference, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 01/20/2018)
01/22/2018	<u>141</u>	ORDER granting Plaintiffs' <u>140</u> Motion for Leave to Attend the Settlement Conference scheduled for January 23, 2018. Lindsey Szymczak and Erin Brady are permitted to attend the January 23, 2018 settlement conference set in this matter. Signed by Magistrate Judge Mark J. Dinsmore on 1/22/2018. (SWM) (Entered: 01/22/2018)
01/26/2018	<u>142</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Settlement Conference held on 1/23/2018. Settlement has been reached as to some claims. With regard to Defendants Corizon Health, Inc., Corizon, LLC, Paul Talbot, M.D., Michael Person, M.D., Houman Kiani, M.D., Michael Mitcheff, M.D., Monica Gipson, R.N., and Wexford of Indiana, LLC, all pending motions are DENIED AS MOOT & all previously ordered dates are VACATED. Within 30 days of this entry, Plaintiffs and Defendants Corizon Health, Inc., Corizon LLC, Houman Kiani, M.D., Michael Person, M.D., and Paul Talbot, M.D. shall file to dismiss this cause. Within 30 days of Court's ruling on class certification, Plaintiffs and Defendant Wexford of Indiana, LLC shall file to dismiss this cause. Telephonic Status Conference set for 2/5/2018 at 9:20 AM (Eastern Time) before Magistrate Judge Mark J. Dinsmore. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 01/29/2018)
02/05/2018	<u>144</u>	NOTICE Regarding Motion for Class Certification, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD, re <u>99</u> MOTION to Certify Class . (Sniderman, Mark) (Entered: 02/05/2018)

02/05/2018	<u>145</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 2/5/2018. Parties discussed status of discovery, required modification of case schedule & pending motion for class certification. Court hereby amends approved Case Management Plan as amended [Dkts. <u>54</u> , <u>98</u> , & <u>107</u>]: Statement of Claims or Defenses due 3/23/2018. Discovery due 3/16/2018. Dispositive Motions due 4/13/2018. By 2/20/2018, parties shall file motion to continue trial. *SEE ORDER FOR DEADLINES.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 02/05/2018)
02/08/2018	<u>146</u>	NOTICE of Appearance by Kelly Suzanne Thompson on behalf of Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Thompson, Kelly) (Entered: 02/08/2018)
02/20/2018	<u>147</u>	Joint MOTION for Continuance of Trial Date (All Parties Agreed), filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 02/20/2018)
02/21/2018	<u>148</u>	ORDER – This case arises out of a challenge to policies regarding the treatment of individuals who are incarcerated in Indiana Department of Corrections ("IDOC") facilities and who suffer from the chronic Hepatitis C Virus ("HCV"). Plaintiffs Michael Ray Stafford, Charles Smith, and Douglas Smith ("Plaintiffs") raise claims on behalf of themselves and similarly situated individuals that policies maintained and implemented by the Defendants in this action have resulted in the improper denial of treatment to incarcerated individuals who are infected with chronic HCV. Presently pending before the Court is Plaintiffs' Motion for Class Certification, in which Plaintiffs seek to certify a class involving only their prospective declaratory and injunctive relief claims. [Filing No. <u>99</u> .] For the reasons below, the Court grants Plaintiffs' Motion and certifies, as modified, the proposed class. The Court therefore grants Plaintiffs' Motion for Class Certification, [Filing No. <u>99</u>], modifying the class definition to include: "All current and future prisoners in IDOC custody who have been diagnosed, or will be diagnosed, with chronic HCV." (SEE ORDER). Signed by Judge Jane Magnus–Stinson on 2/21/2018. (APD) (Entered: 02/21/2018)
02/22/2018	<u>149</u>	ORDER GRANTING AGREED JOINT MOTION TO CONTINUE TRIAL – Granting <u>147</u> Motion for Continuance. The November 5, 2018 trial setting is VACATED and trial is rescheduled to the 25th day of February, 2019 at 9:00 a.m., and the October 12, 2018, final pretrial conference is VACATED and rescheduled to the 31st day of January, 2019, at 9:00 a.m. in room 307, U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Signed by Judge Jane Magnus–Stinson on 2/22/2018.(APD) (Entered: 02/22/2018)
02/23/2018	<u>150</u>	Joint MOTION for Extension of Time to 03–30–2018 to File Dismissal, filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Attachments: # <u>1</u> Text of Proposed Order)(Liss, Jessica) (Entered: 02/23/2018)
02/26/2018	<u>151</u>	ORDER granting in part and denying in part Plaintiffs and Defendants Corizon Health, Inc., Corizon, LLC, Houman Kiani, M.D., Michael Person, M.D., and Paul Talbot, M.D.'s <u>150</u> Joint Motion for Extension of Time to File a Dismissal. These parties' shall file their dismissal in this matter on or before March 23, 2018. Signed by Magistrate Judge Mark J. Dinsmore on 2/26/2018. (SWM) (Entered: 02/26/2018)
02/26/2018	<u>152</u>	SCHEDULING ORDER: Status Conference set for 3/5/2018 01:00 PM (Eastern Time) in Telephonic 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 2/26/2018.(SWM) (Entered: 02/26/2018)
03/02/2018	<u>154</u>	AMENDED ORDER – (The Court issues this amendment to its prior order, [Filing No. <u>148</u>], to address the designation of class representatives and class counsel, which was inadvertently omitted from the original Order.) This case arises out of a challenge to policies regarding the treatment of individuals who are incarcerated in Indiana Department of Corrections ("IDOC") facilities and who suffer from the chronic Hepatitis C Virus ("HCV"). Plaintiffs Michael Ray Stafford, Charles Smith, and Douglas Smith ("Plaintiffs") raise claims on behalf of themselves and similarly

		situated individuals that policies maintained and implemented by the Defendants in this action have resulted in the improper denial of treatment to incarcerated individuals who are infected with chronic HCV. Presently pending before the Court is Plaintiffs' Motion for Class Certification, in which Plaintiffs seek to certify a class involving only their prospective declaratory and injunctive relief claims. [Filing No. <u>99</u> .] For the reasons herein, the Court grants Plaintiffs' Motion and certifies, as modified, the proposed class. The Court therefore GRANTS Plaintiffs' Motion for Class Certification, [Filing No. <u>99</u>], modifying the class definition to include: "All current and future prisoners in IDOC custody who have been diagnosed, or will be diagnosed, with chronic HCV." Moreover, the Court DESIGNATES Michael Ray Stafford, Charles Smith, and Douglas Smith as representatives for the class action pursuant to Rule 23. The Court further DESIGNATES Mark W. Sniderman and Robert A. Katz as lead class counsel pursuant to Fed. R. Civ. P. 23(g). (SEE ORDER). Signed by Judge Jane Magnus-Stinson on 3/2/2018.(APD) (Entered: 03/02/2018)
03/05/2018	<u>155</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 3/5/2018. Parties discussed status of discovery & plan for resolution of claims presently scheduled for dismissal. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 03/06/2018)
03/23/2018	<u>156</u>	Joint MOTION for Extension of Time to April 22, 2018 to File Dismissal, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 03/23/2018)
03/23/2018	<u>157</u>	STIPULATION of Dismissal <i>With Prejudice</i> , filed by Defendants CORIZON HEALTH, INC., CORIZON, LLC, HOUMAN KIANI, M.D., MICHAEL PERSON, M.D., PAUL TALBOT, M.D.. (Liss, Jessica) (Entered: 03/23/2018)
03/23/2018	<u>158</u>	Unopposed MOTION for Approval of Class Action Settlement Agreement and Combined Supporting Brief, filed by Defendants PAUL TALBOT, M.D., WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 03/23/2018)
03/23/2018	<u>159</u>	Statement of Defenses by ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 03/23/2018)
03/23/2018	<u>160</u>	Statement of Claims by All Plaintiffs. (Sniderman, Mark) (Entered: 03/23/2018)
03/26/2018	<u>161</u>	MARGINAL ORDER OF DISMISSAL – Dismissal with prejudice acknowledged for Plaintiffs and Defendants Corizon Health, Inc., Corizon, LLC, Michael Person, M.D., Paul Talbot, M.D., and Houman Kiani, M.D., ONLY. Signed by Judge Jane Magnus-Stinson on 3/26/2018.(APD) (Entered: 03/26/2018)
03/26/2018	<u>162</u>	ORDER granting Plaintiffs and Defendant Wexford's <u>156</u> Joint Motion for Extension of Time to File motion to dismiss or stipulation of dismissal to 4/22/2018. Signed by Magistrate Judge Mark J. Dinsmore on 3/26/2018. (SWM) (Entered: 03/27/2018)
04/05/2018	<u>163</u>	*** STRICKEN PER ORDER DATED 4/6/2018 *** Joint MOTION for Protective Order <i>Stipulated</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) Modified on 4/6/2018 (SWM). (Entered: 04/05/2018)
04/06/2018	<u>164</u>	ORDER STRIKING STIPULATED PROTECTIVE ORDER: On May 2, 2017, the Court issued its Order Regarding Protective Orders, which provided in relevant part as follows: "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." [Dkt. <u>55</u> at 1.] That order also required the inclusion of specific language in any proposed protective order filed, as well as a detailed description of any information sought to be protected by an "Attorney's Eyes Only" provision. On April 5, 2018 the parties filed a submission of a uniform "Stipulated Protective Order". That submission was not accompanied by a motion and did not comply with any of the other requirements of the Court's May 2, 2017 order. Fed. R. Civ. P. 26(c) states: A party or any person from whom discovery is sought may move for a protective order.... (emphasis added). The Court acts on motions, not proposed orders. Docket No. <u>163</u> is, therefore, STRICKEN. If the parties seek a protective order, they should properly file a motion requesting such relief, which motion and proposed order fully comply with the Court's prior orders. Signed by Magistrate Judge Mark J. Dinsmore on 4/6/2018.

		(SWM) (Entered: 04/06/2018)
04/06/2018	<u>165</u>	RESPONSE to Motion re <u>158</u> Unopposed MOTION for Approval of Class Action Settlement Agreement and Combined Supporting Brief , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 04/06/2018)
04/13/2018	<u>166</u>	MOTION for Summary Judgment , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Second Declaration of Raj Vuppalanchi, MBBS, # <u>2</u> Exhibit Declaration of Suthat Liangpunsakul, M.D., M.P.H., # <u>3</u> Exhibit AASLD/IDSA HCV Guidance 203 When and in Whom, # <u>4</u> Exhibit Deposition of Raj Vuppalanchi, MBBS, # <u>5</u> Exhibit Excerpts from IDOC–Wexford Contract, # <u>6</u> Exhibit HCSD Policy 3.09 (1–1–18), # <u>7</u> Exhibit Excerpts from Dr. Fisher PowerPoint (September 2017), # <u>8</u> Exhibit Excerpts from Deposition of Neil Fisher, M.D., # <u>9</u> Exhibit Deposition of William C. VanNess, II, M.D., # <u>10</u> Exhibit Deposition of Monica Gipson, R.N., # <u>11</u> Exhibit Press Release – State Auditor, # <u>12</u> Exhibit FBOP Guidance May 2017 (Corrected))(Sniderman, Mark) (Entered: 04/13/2018)
04/13/2018	<u>167</u>	BRIEF/MEMORANDUM in Support re <u>166</u> MOTION for Summary Judgment , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 04/13/2018)
04/23/2018	<u>168</u>	ORDER – This matter concerns a class action lawsuit brought by inmates of Indiana Department of Corrections ("IDOC") facilities regarding the provision of medical care to treat the chronic Hepatitis C virus ("HCV"). Presently pending before the Court is a Motion for Approval of a Proposed Settlement Agreement between several Defendants and the certified class and named Plaintiffs. [Filing No. <u>158</u> .] For the reasons described below, the Court DENIES that Motion. For the reasons described above, the Court DENIES Defendants' Motion for Preliminary Approval of Class Settlement. <u>158</u> The Court requests that the Magistrate Judge confer with the parties at his earliest convenience regarding continued efforts to craft an agreement that satisfies the standards imposed by Fed. R. Civ. P. 23. (See Order). Signed by Judge Jane Magnus–Stinson on 4/23/2018. (APD) (Entered: 04/23/2018)
04/23/2018	<u>169</u>	SCHEDULING ORDER: Status Conference set for 5/4/2018 01:00 PM (Eastern Time) in Telephonic before Magistrate Judge Mark J. Dinsmore. The purpose of the conference is to discuss the issue(s) set forth in the Court's Order dated April 23, 2018. [Dkt. <u>168</u> .] As such, and pursuant to the Court's Order, on or before May 2, 2018, counsel shall email to the Magistrate Judge at MJDinsmore@insd.uscourts.gov a proposed draft settlement agreement that satisfies the standards imposed by Fed. R. Civ. P. 23. 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 4/23/2018.(SWM) (Entered: 04/23/2018)
05/04/2018	<u>171</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 5/4/2018. Parties discussed status of matter. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 05/04/2018)
05/14/2018	<u>172</u>	Joint MOTION for Protective Order , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 05/14/2018)
05/14/2018	<u>173</u>	MOTION for Summary Judgment , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Exhibit 1 Deposition Excerpts of Dr. VanNess, # <u>2</u> Exhibit 2 Deposition Excerpts of Dr. Fisher, # <u>3</u> Exhibit 3 Deposition Excerpts of Dr. Vuppalanchi, # <u>4</u> Exhibit 4 Deposition Excerpts of Dr. Liangpunsakul, # <u>5</u> Exhibit 5 Deposition Excerpts of Douglas Smith, # <u>6</u> Exhibit 6 Deposition Excerpts of Charles Smith, # <u>7</u> Exhibit 7 Deposition Excerpts of Michael Stafford, # <u>8</u> Exhibit 8 IDOC Care Service Directive 3.09, # <u>9</u> Exhibit 9 Federal Bureau of Prisons Clinical Guidance for HCV May 2017, # <u>10</u> Exhibit 10 Federal Bureau of Prisons Clinical Guidance for HCV January 2018)(Jones, Benjamin) (Entered: 05/14/2018)

05/14/2018	<u>174</u>	BRIEF/MEMORANDUM in Support re <u>173</u> MOTION for Summary Judgment <i>and in Opposition to Plaintiffs' Motion for Summary Judgment</i> , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 05/14/2018)
05/15/2018	<u>175</u>	STIPULATED PROTECTIVE ORDER <u>172</u> Approved and Entered as an Order of the Court. Signed by Magistrate Judge Mark J. Dinsmore on 5/15/2018.(SWM) (Entered: 05/16/2018)
06/11/2018	<u>176</u>	Amended MOTION <i>for Approval of Class Action Settlement Agreement and Supporting Brief</i> , filed by Defendants PAUL TALBOT, M.D., WEXFORD OF INDIANA, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Bitner, Douglass) (Entered: 06/11/2018)
06/12/2018	<u>177</u>	Unopposed MOTION for Extension of Time to File Response to June 21, 2018 re <u>166</u> MOTION for Summary Judgment , <u>173</u> MOTION for Summary Judgment <i>and Reply</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 06/12/2018)
06/13/2018	<u>178</u>	ORDER ON PLAINTIFFS' FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE SUMMARY JUDGMENT RESPONSE AND REPLY – Granting <u>177</u> Motion for Extension of Time. Plaintiffs shall file their response to the State Defendants' Motion for Summary Judgment and reply in support of Plaintiffs' Motion for Summary Judgment on or before June 21, 2018; and the State Defendants shall file their reply in support of their Motion for Summary Judgment on or before July 6, 2018. Signed by Judge Jane Magnus–Stinson on 6/13/2018. (APD) (Entered: 06/13/2018)
06/21/2018	<u>179</u>	REPLY in Support of Motion re <u>166</u> MOTION for Summary Judgment & <i>Response to State Defendants' Motion for Summary Judgment</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Complete deposition of Neil Fisher, M.D., # <u>2</u> Exhibit January 12, 2018 e–mail regarding report of Dr. Fisher, # <u>3</u> Exhibit Report of Dr. Fisher, # <u>4</u> Exhibit E–mail regarding CV of Dr. Fisher, # <u>5</u> Exhibit CV of Dr. Fisher)(Sniderman, Mark) (Entered: 06/21/2018)
07/06/2018	<u>180</u>	REPLY in Support of Motion re <u>173</u> MOTION for Summary Judgment , filed by Defendants ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 07/06/2018)
07/13/2018	<u>181</u>	NOTICE <i>of Supplemental Authority</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Attachments: # <u>1</u> Exhibit) (Sniderman, Mark) (Entered: 07/13/2018)
08/01/2018	<u>182</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5–3, Mark W. Sniderman hereby notifies the Clerk of the court of changed contact information. (Sniderman, Mark) (Entered: 08/01/2018)
08/31/2018	<u>183</u>	NOTICE <i>of Supplemental Authority, Second</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Attachments: # <u>1</u> Exhibit HCV Treatment and Testing in Correctional Settings) (Sniderman, Mark) (Entered: 08/31/2018)
09/07/2018	<u>184</u>	OBJECTION <i>to Plaintiffs' Second Notice of Supplemental Authority</i> by ROBERT E. CARTER, JR., MONICA GIPSON, R.N., MICHAEL MITCHEFF, M.D.. Related document: <u>183</u> Notice (Other) filed by MICHAEL RAY STAFFORD, DOUGLAS SMITH, CHARLES SMITH.(Jones, Benjamin) (Entered: 09/07/2018)
09/13/2018	<u>185</u>	ORDER GRANTING DEFENDANTS' AMENDED MOTION FOR APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT AND COMBINED SUPPORTING BRIEF – Having considered the arguments presented by the Defendants in their Motion, the Court hereby grants the Defendants, Paul Talbot and Wexford of Indiana, LLC, Amended Motion for Approval of Class Action Settlement Agreement and Combined Supporting Brief <u>176</u> . Signed by Judge Jane Magnus–Stinson on 9/13/2018. (APD) (Entered: 09/13/2018)

09/13/2018	<u>186</u>	ORDER – This case arises out of a challenge to the medical care that inmates receive while incarcerated in Indiana Department of Corrections ("IDOC") facilities. A class of Plaintiffs who suffer from chronic Hepatitis C infection ("HCV") contends that IDOC's policies regarding HCV treatment have resulted in the withholding of effective treatment to the vast majority of HCV–infected inmates. Plaintiffs have raised three claims against three IDOC officials, (collectively, "Defendants"): Robert E. Carter, Jr., the Commissioner of IDOC, Dr. William VanNess, IDOC's Chief Medical Officer, and Monica Gipson, R.N., IDOC's Director of Health Care Services. Plaintiffs contend that IDOC's treatment of individuals with chronic HCV violates the Eighth Amendment to the United States Constitution, the Americans with Disabilities Act, and the Rehabilitation Act. Plaintiffs have moved for summary judgment on their Eighth Amendment claim, and Defendants have cross–moved for summary judgment on all claims. For the reasons that follow, the Court GRANTS Plaintiffs' Motion as to liability on the Eighth Amendment claim, and DENIES Defendants' Cross–Motion on all claims. For the reasons stated herein, the Court GRANTS IN PART and DENIES IN PART Plaintiffs' evidentiary objections, as set forth in this Order <u>166</u> ; GRANTS IN PART and DENIES IN PART Defendants' Motion to Dismiss Dr. VanNess and Ms. Gipson as defendants, to the extent that it DISMISSES Ms. Gipson <u>173</u> ; DENIES Defendants' Cross–Motion for Summary Judgment on all claims <u>173</u> ; MODIFIES the class definition to include all current and future prisoners in IDOC custody who have been diagnosed, or will be diagnosed, with chronic HCV, and for whom treatment with DAA medication is not medically contraindicated; DECERTIFIES the certified class as to the ADA and Rehabilitation Act claims only <u>154</u> ; and GRANTS Plaintiffs' Motion for Summary Judgment as to liability on the Eighth Amendment claim. <u>166</u> The Court requests that the Magistrate Judge confer with the parties at his earliest possible convenience in order to establish a schedule for the remaining proceedings. The Court also ORDERS the Clerk to update the docket to reflect that Plaintiffs raise this suit on behalf of themselves and other similarly situated individuals. (SEE ORDER). Signed by Judge Jane Magnus–Stinson on 9/13/2018. (APD) (Entered: 09/13/2018)
09/27/2018	<u>187</u>	SCHEDULING ORDER: Status Conference set for 10/2/2018 11:00 AM (Eastern Time) in Telephonic before Magistrate Judge Mark J. Dinsmore. The purpose of the conference is to establish a schedule for the remaining proceedings pursuant to the Court's Order. [Dkt. <u>186</u> .] 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 9/27/2018.(SWM) (Entered: 09/27/2018)
10/02/2018	<u>189</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 10/2/2018. Court & parties briefly discussed parties' expectations regarding how remaining of matter will proceed. Settlement Conference set for 11/13/2018 at 9:00 AM (Eastern Time) in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. *SEE ORDER FOR DEADLINES.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 10/02/2018)
10/15/2018	<u>190</u>	MOTION for Copies filed by non–party David M. Jones. (APD) (Entered: 10/15/2018)
10/17/2018	<u>191</u>	ORDER: This matter comes before the Court on pro se non–party David M. Jones's letter requesting a copy of the docket in this matter. [Dkt. <u>190</u> .] The Court, being duly advised, hereby GRANTS the request. The Clerk is directed to send an updated copy of the docket in this matter to David M. Jones's pursuant to the distribution of this order. Copies to David M. Jones via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 10/17/2018. (SWM) (Entered: 10/17/2018)
10/31/2018	<u>192</u>	MOTION to Join Class of Similarly Situated Persons filed by non–party Michael Boyd. (APD) (Entered: 10/31/2018)
11/01/2018	<u>193</u>	NOTICE of Correspondence, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Sniderman, Mark) (Entered: 11/01/2018)
11/07/2018	<u>194</u>	ORDER to Make Inmate Available – via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make DOUGLAS SMITH Available – via Telephone for court proceeding on 11/13/2018 at 9:00 AM (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on

		11/7/2018.(SWM) (Entered: 11/07/2018)
11/07/2018	<u>195</u>	ORDER to Make Inmate Available – via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make CHARLES SMITH Available – via Telephone for court proceeding on 11/13/2018 at 9:00 AM (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 11/7/2018.(SWM) (Entered: 11/07/2018)
11/07/2018	<u>196</u>	ORDER to Make Inmate Available – via Telephone. Warden of MIAMI CORRECTIONAL FACILITY ordered to make MICHAEL RAY STAFFORD Available – via Telephone for court proceeding on 11/13/2018 at 9:00 AM (Eastern). Copy to Nettie Marie Campbell via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 11/7/2018.(SWM) (Entered: 11/07/2018)
11/09/2018	<u>197</u>	ORDER to Make Inmate Available – via Telephone. Warden of WESTVILLE CORRECTIONAL FACILITY ordered to make Douglas Smith #975279 Available – via Telephone for Court proceeding on 11/13/2018 at 9:00 AM (Eastern). Signed by Magistrate Judge Mark J. Dinsmore on 11/9/2018. (GD) (Entered: 11/09/2018)
11/15/2018	<u>198</u>	ORDER to Make Inmate Available – via Telephone. Warden of MIAMI CORRECTIONAL FACILITY ordered to make MICHAEL STAFFORD Available – via Telephone for court proceeding on 11/19/2018. Signed by Magistrate Judge Mark J. Dinsmore on 11/15/2018 (dist made and sent to Facility by CRD)(CBU) (Entered: 11/15/2018)
11/15/2018	<u>199</u>	ORDER to Make Inmate Available – via Telephone. Warden of WESTVILLE CORRECTIONAL FACILITY ordered to make DOUGLAS SMITH Available – via Telephone for court proceeding on 11/19/2018. Signed by Magistrate Judge Mark J. Dinsmore on 11/15/2018 (dist made and sent to facility by CRD)(CBU) (Entered: 11/15/2018)
11/15/2018	<u>200</u>	ORDER to Make Inmate Available – via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make CHARLES SMITH Available – via Telephone for court proceeding on 11/19/2018.. Signed by Magistrate Judge Mark J. Dinsmore on 11/15/2018.(CBU) Modified on 11/15/2018 (CBU)(dist made and CRD provided a copy to the facility) (Entered: 11/15/2018)
11/15/2018	<u>201</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Settlement Conference held on 11/13/2018. Parties appeared in person, by counsel, and by telephone. Telephonic Settlement Conference will RECONVENE on 11/19/2018 at 9:00 AM (Eastern Time). Parties shall attend by calling designated telephone number, to be provided by Court separately to parties. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 11/15/2018)
11/21/2018	<u>202</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Settlement Conference held on 11/19/2018. Settlement was not achieved. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 11/21/2018)
12/11/2018	<u>203</u>	MOTION to Convert Trial to Remedy Hearing, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 12/11/2018)
12/26/2018	<u>204</u>	RESPONSE to Motion re <u>203</u> MOTION to Convert Trial to Remedy Hearing , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Jones, Benjamin) (Entered: 12/26/2018)
12/27/2018	<u>205</u>	ORDER ON PLAINTIFFS' MOTION TO CONVERT TRIAL TO REMEDY HEARING – This matter having come before the Court on Plaintiffs' Motion to Convert Trial to Remedy Hearing, and the Court being duly advised in the premises finds that the Motion <u>203</u> should be GRANTED. WHEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that said Motion is approved by the Court, and that: 1. The trial set for 9:00 a.m., February 25, 2019, shall be converted to a remedy hearing; 2. Plaintiffs' remedy brief shall be due on or before the 22nd day of January, 2019; 3. Defendants' response to Plaintiffs' remedy brief shall be due on or before the 5th day of February, 2019; 4. Plaintiffs' reply shall be due on or before the 12th day of February, 2019; and 5. The final pretrial conference set for 9:00 a.m., January 31, 2019

		shall be continued and will be re-set when and if a trial becomes necessary. Signed by Judge Jane Magnus-Stinson on 12/27/2018.(JDH) (Entered: 12/27/2018)
01/17/2019	<u>206</u>	Joint MOTION for Continuance of <i>Remedy Hearing</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 01/17/2019)
01/18/2019	<u>207</u>	ORDER ON JOINT MOTION TO CONTINUE REMEDY HEARING – This matter having come before the Court on the parties' Joint Motion to Continue Remedy Hearing, and the Court being duly advised in the premises finds that the Motion <u>206</u> should be GRANTED. WHEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that said Motion is approved by the Court, and that: The remedy hearing set for 9:00 a.m., February 25, 2019, shall instead commence on April 29, 2019, and three days will be held for the hearing. Plaintiffs' remedy brief shall be due on or before the 26th day of March 2019; Defendants' response to Plaintiffs' remedy brief shall be due on or before the 9th day of April 2019; and Plaintiffs' reply shall be due on or before the 16th day of April 2019. Signed by Judge Jane Magnus-Stinson on 1/18/2019.(JDH) (Entered: 01/18/2019)
02/04/2019	<u>208</u>	Entry – Non-party Michael Boyd's motion to join class of similarly-situated persons, dkt. <u>192</u> , is denied as moot because, as a class action, all similarly-situated persons are included in the class unless they opt-out. See <i>Alvarez v. City of Chicago</i> , 605 F.3d 445, 448 (7th Cir. 2010); Fed. R. Civ. P. 23(b)(3). Signed by Judge Jane Magnus-Stinson on 2/4/2019. (JDH) (Entered: 02/04/2019)
02/04/2019	<u>209</u>	ENTRY – Consistent with the Order of January 18, 2019, a remedy hearing will be conducted on April 29, 2019. To facilitate the efficient submission of evidence and argument at the hearing, the Magistrate Judge is requested to set this action for a pre-hearing conference. (See Entry). Signed by Judge Jane Magnus-Stinson on 2/4/2019. (Attachments: # <u>1</u> Exhibit – Washington Post article)(JDH) (Entered: 02/04/2019)
02/05/2019	<u>210</u>	SCHEDULING ORDER: Pre-Hearing Status Conference set for 3/6/2019 04:00 PM (Eastern Time) in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. The purpose of the conference is to discuss preparations for the April 29, 2019 remedy hearing pursuant to the Court's Entry dated February 4, 2019 [Dkt. 209], and the parties shall comply with all pre-conference filing requirements as set forth therein. [Id. at 1–2.] Signed by Magistrate Judge Mark J. Dinsmore on 2/5/2019.(SWM) (Entered: 02/06/2019)
02/26/2019	<u>211</u>	RESPONSE , re <u>209</u> Entry, filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Exhibit A Settlement Agreement)(Nagy, Jonathan) (Entered: 02/26/2019)
02/27/2019	<u>212</u>	Witness List <i>Final</i> , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D., Exhibit List <i>Final</i> , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Nagy, Jonathan) (Entered: 02/27/2019)
02/27/2019	<u>213</u>	Witness List for <i>Remedy Hearing</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD, Exhibit List for <i>Remedy Hearing</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 02/27/2019)
02/27/2019	<u>214</u>	STIPULATION to <i>Facts and Issues to Resolve, Joint</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 02/27/2019)
03/01/2019	<u>215</u>	NOTICE of Substitution of Appearance by Lyubov Gore replacing <i>Kelly S. Thompson</i> on behalf of ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D. (Gore, Lyubov) (Entered: 03/01/2019)
03/01/2019	<u>216</u>	NOTICE of Substitution of Appearance by Jordan Michael Stover replacing <i>Aleksandrina P. Pratt</i> on behalf of ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D. (Stover, Jordan) Modified on 3/4/2019 (JDH). (Entered: 03/01/2019)
03/07/2019	<u>217</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Pre-Hearing Status Conference held on 3/6/2019. Parties discussed preparations for

		April 29, 2019 remedy hearing. Conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 03/07/2019)
03/26/2019	<u>218</u>	MOTION for Permanent Injunction , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Hepatitis C Fight Hinges on Prisons, # <u>2</u> Exhibit Selner Docket No. 132, # <u>3</u> Exhibit Selner Docket No. 159, # <u>4</u> Exhibit Selner Docket No. 167, # <u>5</u> Exhibit Selner Docket No. 115)(Sniderman, Mark) (Entered: 03/26/2019)
03/26/2019	<u>219</u>	BRIEF/MEMORANDUM in Support re <u>218</u> MOTION for Permanent Injunction , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Sniderman, Mark) (Entered: 03/26/2019)
03/27/2019	<u>221</u>	MOTION to Join Class of Similarly Situated Persons. (Attachments: # <u>1</u> Envelope)(JDH) (Entered: 03/28/2019)
03/28/2019	<u>220</u>	STIPULATION of Dismissal <i>with Prejudice</i> , filed by Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 03/28/2019)
03/29/2019	<u>222</u>	MARGINAL ENTRY – Dismissal with prejudice as to Wexford of Indiana, LLC ONLY acknowledged <u>220</u> . Signed by Judge Jane Magnus–Stinson on 3/29/2019.(JDH) (Entered: 03/29/2019)
03/29/2019	<u>223</u>	Entry – Non–party Jacob Prawat's motion to join class of similarly–situated persons, dkt. <u>221</u> , is denied as moot because, as a class action, all similarly–situated persons are included in the class unless they opt–out. See Alvarez v. City of Chicago, 605 F.3d 445, 448 (7th Cir. 2010); Fed. R. Civ. P. 23(b)(3). The clerk is directed to include a prisoner complaint form with Mr. Prawat's copy of this Entry. Copy and form sent to Jacob Prawat via U.S. mail. Signed by Judge Jane Magnus–Stinson on 3/29/2019. (Attachments: # <u>1</u> Complaint Form) (JDH) (Entered: 03/29/2019)
04/09/2019	<u>224</u>	RESPONSE in Opposition re <u>218</u> MOTION for Permanent Injunction <i>and Pre–Hearing Brief</i> , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Nagy, Jonathan) (Entered: 04/09/2019)
04/16/2019	<u>225</u>	REPLY in Support of Motion re <u>218</u> MOTION for Permanent Injunction , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit National Governors Association, Health Crises, # <u>2</u> Exhibit Trusheim, et al., JAMA, The Netflix Model, # <u>3</u> Exhibit AP, Modern Healthcare)(Sniderman, Mark) (Entered: 04/16/2019)
04/16/2019	<u>226</u>	NOTICE <i>State Defendants' Supplementation of the Record</i> , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D., re <u>209</u> Entry. (Nagy, Jonathan) (Entered: 04/16/2019)
04/16/2019	<u>227</u>	NOTICE <i>of Supplementation of Record</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Attachments: # <u>1</u> Exhibit ACLU and Colorado Department of Corrections Reach Historic Settlement, # <u>2</u> Exhibit Colorado Approves \$41 million Settlement, # <u>3</u> Exhibit 5,000 Inmates with Hepatitis C Sued Pa. Prisons, # <u>4</u> Exhibit PA DOC Agrees to Treat All Inmates with Hepatitis C, # <u>5</u> Exhibit Pa. Department of Corrections to Provide Costly Hepatitis C Treatment to Nearly 5,000 Inmates) (Sniderman, Mark) (Entered: 04/16/2019)
04/19/2019	<u>228</u>	Order – The Court appreciates the parties' supplementation of the record with examples of recent agreements and injunctions regarding the treatment of Hepatitis C in prisons in other states. The parties' expert witnesses should be prepared to testify at the remedy hearing about the administrative and medical appropriateness of the provisions contained in these examples for use in any injunction that may be entered in this action. Signed by Judge Jane Magnus–Stinson on 4/19/2019.(JDH) (Entered: 04/19/2019)
04/19/2019	<u>229</u>	NOTICE <i>of Supplementation of Record, Second</i> , filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD (Attachments: # <u>1</u> Exhibit Hoffer – Order on Cross–Motions for Summary Judgment) (Sniderman, Mark) (Entered: 04/19/2019)
04/24/2019	<u>230</u>	Joint MOTION for Continuance <i>of the Remedy Hearing</i> , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Text of

		Proposed Order Granting Motion for Continuance of Hearing)(Nagy, Jonathan) (Entered: 04/24/2019)
04/24/2019	<u>231</u>	ORDER granting <u>230</u> Motion for Continuance of Remedy Hearing. The parties to this lawsuit filed their Joint Motion for Continuance of the Remedy Hearing scheduled to begin on April 29, 2019 at 9:30 a.m. The Court, being duly advised, now GRANTS the motion <u>230</u> .IT IS THEREFORE ORDERED that the hearing scheduled to begin on April 29, 2019 at 9:30 a.m. is vacated and will be reset by separate order. The Court requests that Magistrate Judge Dinsmore set a settlement conference. Signed by Judge Jane Magnus-Stinson on 4/24/2019. (MRI) (Entered: 04/24/2019)
04/29/2019	<u>232</u>	SCHEDULING ORDER: Settlement Conference set for 5/21/2019 09:00 AM (Eastern Time) in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. On or before May 17, 2019, the parties may, but need not, submit (not file) a supplemental confidential settlement statement. See Order for additional information. Signed by Magistrate Judge Mark J. Dinsmore on 4/29/2019.(SWM) (Entered: 04/29/2019)
04/29/2019	<u>233</u>	ORDER to Make Inmate Available – via Telephone. Warden of WESTVILLE CORRECTIONAL FACILITY ordered to make DOUGLAS SMITH Available – via Telephone for court proceeding on 5/21/2019 at 9:00 AM (Eastern). Copy to Elizabeth DeFelice via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/29/2019.(SWM) (Entered: 04/29/2019)
04/29/2019	<u>234</u>	ORDER to Make Inmate Available – via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make CHARLES SMITH Available – via Telephone for court proceeding on 5/21/2019 at 9:00 AM (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/29/2019.(SWM) (Entered: 04/29/2019)
04/29/2019	<u>235</u>	ORDER to Make Inmate Available – via Telephone. Warden of MIAMI CORRECTIONAL FACILITY ordered to make MICHAEL RAY STAFFORD, Available – via Telephone for court proceeding on 5/21/2019 at 9:00 AM (Eastern). Copy to Nettie Marie Campbell via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/29/2019.(SWM) (Entered: 04/29/2019)
05/23/2019	<u>236</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Settlement Conference held on 5/21/2019. Settlement was not achieved. Telephonic Status Conference set for 6/11/2019 at 3:30 PM (Eastern Time) to discuss status of possible resolution. *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 05/24/2019)
06/14/2019	<u>238</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 6/11/2019. Parties discussed status of resolution. Telephonic Status Conference set for 6/27/2019 at 2:30 PM (Eastern Time). *SEE ORDER.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 06/14/2019)
06/27/2019	<u>240</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 6/27/2019. Parties discussed status of resolution of matter. If parties have not reached agreement on final terms of resolution prior thereto, parties shall appear for Settlement Conference set for 7/11/2019 at 1:00 PM (Eastern), in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Conference will continue from day-to-day until final settlement document has been agreed. Conference will be vacated if parties advise that they have agreed to final terms of settlement in advance thereof. *SEE ORDER FOR ADDITIONAL REQUIREMENTS.* Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 06/27/2019)
06/28/2019	<u>241</u>	ORDER to Make Inmate Available – via Telephone. Warden of MIAMI CORRECTIONAL FACILITY ordered to make MICHAEL RAY STAFFORD Available – via Telephone for court proceeding on 7/11/2019 at 1:00 PM (Eastern). Copy to Nettie Marie Campbell via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/28/2019.(SWM) Modified on 6/28/2019 (SWM). (Entered: 06/28/2019)

06/28/2019	<u>242</u>	ORDER to Make Inmate Available – via Telephone. Warden of MIAMI CORRECTIONAL FACILITY ordered to make CHARLES SMITH Available – via Telephone for court proceeding on 7/11/2019 at 1:00 PM (Eastern). Copy to Nettie Marie Campbell via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/28/2019.(SWM) (Entered: 06/28/2019)
06/28/2019	<u>243</u>	ORDER to Make Inmate Available – via Telephone. Warden of WESTVILLE CORRECTIONAL FACILITY ordered to make DOUGLAS SMITH Available – via Telephone for court proceeding on 7/11/2019 at 1:00 PM (Eastern). Copy to Elizabeth DeFelice via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/28/2019.(SWM) (Entered: 06/28/2019)
07/10/2019	<u>244</u>	AMENDING SCHEDULING ORDER: Counsel has notified the Court that the parties have reached an agreement as to final terms of a resolution to this matter. Accordingly, the Court hereby CONVERTS the settlement conference set for July 11, 2019 at 1:00 p.m. (Eastern) to a telephonic status conference with counsel only to be held at the same date and time . The purpose of the conference is to confirm the parties' final settlement terms and the timing of the final resolution of the matter. Counsel shall attend the status 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 7/10/2019. (GD) (Entered: 07/11/2019)
07/15/2019	<u>246</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Status Conference held on 7/11/2019. The parties reported that all material terms of a resolution of this matter have been agreed and are awaiting final approval by the State, which should be forthcoming shortly. The parties committed to filing documents seeking Court approval of the parties' resolution within three weeks. The conference was concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 07/19/2019)
07/30/2019	<u>247</u>	Joint MOTION for Extension of Time to August 8, 2019 , filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion for Extension of Time)(Nagy, Jonathan) (Entered: 07/30/2019)
08/05/2019	<u>248</u>	ORDER denying Parties' <u>247</u> Joint Motion for Extension of Time. The parties' motion fails to comply with Local Rule 6–1(a)(5), which requires a motion for extension of time to be filed at least three business days prior to the deadline absent extraordinary circumstances. However, the Court, sua sponte, hereby enlarges the parties' deadline to file documents seeking Court approval of the parties' resolution, which shall be filed on or before August 9, 2019. See Order for additional information. Signed by Magistrate Judge Mark J. Dinsmore on 8/5/2019. (SWM) (Entered: 08/06/2019)
08/06/2019	<u>249</u>	Joint MOTION for Extension of Time to <i>File Documents Seeking Court Approval of Resolution</i> , filed by Defendant ROBERT E. CARTER, JR.. (Attachments: # <u>1</u> Text of Proposed Order)(Nagy, Jonathan) (Entered: 08/06/2019)
08/08/2019	<u>250</u>	SCHEDULING ORDER: This cause comes before the Court on the parties' Joint Motion for Extension of Time. [Dkt. 249.] This matter is set for a telephonic hearing on the above–noted motion on Tuesday, August 13, 2019 at 10:00 a.m. (Eastern). Counsel shall attend the hearing 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 8/8/2019.(SWM) (Entered: 08/09/2019)
08/09/2019	<u>251</u>	STIPULATION to Enter into Settlement Agreement Pursuant to 18 U.S. Code Section 3626(c)(2) Following Notice to the Class and Fairness Hearing, filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Nagy, Jonathan) (Entered: 08/09/2019)
08/09/2019	<u>252</u>	Joint MOTION to Approve Form and Manner of Notice and to Set Matter for Fairness Hearing, filed by Plaintiffs CHARLES SMITH, DOUGLAS SMITH, MICHAEL RAY STAFFORD. (Attachments: # <u>1</u> Exhibit Exh. 1 – Proposed Notice, # <u>2</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 08/09/2019)
08/12/2019	<u>253</u>	STIPULATION to Enter into Settlement Agreement Pursuant to 18 U.S. Code Section 3626(c)(2) Following Notice to the Class and Fairness Hearing (Amended), filed by Defendants ROBERT E. CARTER, JR., MICHAEL MITCHEFF, M.D.. (Attachments: # <u>1</u> Exhibit A 3.09A HCV Plan)(Nagy, Jonathan) (Entered: 08/12/2019)

08/12/2019	<u>254</u>	ORDER: This matter comes before the Court on the parties' Joint Motion for Extension Time. [Dkt. <u>249</u> .] The Court hereby GRANTS the motion. On or before August 12, 2019, the parties shall file documents seeking Court approval of their resolution of this matter. In light of this Order, the Court hereby CONVERTS the telephonic hearing on the parties' Joint Motion for Extension Time [Dkt. <u>249</u>] scheduled for August 13, 2019 at 10:00 a.m. (Eastern) [Dkt. <u>250</u>], to a telephonic hearing on the parties' Joint Motion to Approve Form and Manner of Notice and to Set Matter for Fairness Hearing [Dkt. <u>252</u>], to be held at the same date and time. Counsel shall attend the hearing 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 8/12/2019. (GD) (Entered: 08/12/2019)
08/13/2019	<u>256</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Telephonic Hearing held on 8/13/2019 re <u>252</u> Joint Motion to Approve Form and Manner of Notice and to Set Matter for Fairness Hearing. Court will grant motion by separate order. Signed by Magistrate Judge Mark J. Dinsmore. (GD) (Entered: 08/13/2019)
08/13/2019	<u>257</u>	ORDER granting Parties' <u>252</u> Joint Motion to Approve Form and Manner of Notice and to Set Matter for Fairness Hearing. This matter is set for a fairness hearing on Tuesday, October 15, 2019 at 1:00 p.m. (Eastern), in Room 307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana, before Judge Jane Magnus-Stinson. See Order for additional information. Signed by Magistrate Judge Mark J. Dinsmore on 8/13/2019.(SWM) (Entered: 08/14/2019)
09/04/2019	<u>258</u>	Non-party MOTION to Quash, filed by James Wilson. (Attachments: # <u>1</u> Envelope)(JDH) (Entered: 09/05/2019)
09/19/2019	<u>259</u>	MOTION to Object to Settlement Agreement filed by non-party Brian Reynolds. (Attachments: # <u>1</u> Envelope)(JDH) (Entered: 09/19/2019)
09/26/2019	<u>260</u>	ORDER denying James Wilson's <u>258</u> Non-Party Motion to Quash. Copy to James Wilson via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 9/26/2019. (SWM) (Entered: 09/26/2019)
09/26/2019	<u>261</u>	ORDER ON MOTION TO OBJECT TO SETTLEMENT AGREEMENT: On September 19, 2019, Brian Reynolds filed a document in this case entitled Motion to Object to Settlement Agreement [Dkt. <u>259</u>]. While the document is called a motion, it actually is an objection to the proposed settlement in this case. Accordingly, the motion is DENIED as unnecessary. This does not mean that the Court will not consider what Mr. Reynolds has to say, however. If Mr. Reynolds is a member of the class that has been certified in this case, he is entitled to object, and the Court will take his objection into consideration in determining whether to approve the settlement. Plaintiffs' counsel is ORDERED to determine whether Mr. Reynolds is a member of the class in this case. If he is, counsel shall address his objection, as articulated in his September 19, 2019, filing, at the fairness hearing. If he is not a class member, counsel shall inform the Court of that fact at the fairness hearing. Copy to Brian K. Reynolds via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 9/26/2019. (SWM) (Entered: 09/26/2019)