U.S. District Court Northern District of Indiana [LIVE] USDC Northern Indiana (Fort Wayne) CIVIL DOCKET FOR CASE #: 1:20-cv-00240-DRL-SLC

Crane et al v. City of Fort Wayne et al Assigned to: Judge Damon R Leichty

Referred to: Magistrate Judge Susan L Collins

Cause: 28:1983 Civil Rights

Date Filed: 06/26/2020 Jury Demand: Both

Nature of Suit: 440 Civil Rights:

Other

Jurisdiction: Federal Question

Plaintiff

Taylor Raymond Crane

represented by Gavin M Rose

ACLU of Indiana 1031 E Washington St Indianapolis, IN 46202 317-635-4059 Ext 106 Fax: 317-635-4105 Email: grose@aclu-in.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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Plaintiff

Kendall Dimond

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Plaintiff

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Plaintiff

Janet Badia

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Plaintiff

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Plaintiff

Ben Schoch

represented by Gavin M Rose

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Stevie J Pactor

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ATTORNEY TO BE NOTICED

Kenneth J Falk

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Plaintiff

Amanda Joseph

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Stevie J Pactor

(See above for address)

ATTORNEY TO BE NOTICED

Kenneth J Falk

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ATTORNEY TO BE NOTICED

Plaintiff

Alisha Rauch

TERMINATED: 09/03/2020

represented by Gavin M Rose

(See above for address)

TERMINATED: 09/03/2020

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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TERMINATED: 09/03/2020

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Kenneth J Falk

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TERMINATED: 09/03/2020

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Plaintiff

Nancy Virtue

represented by Gavin M Rose

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Stevie J Pactor

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Kenneth J Falk

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Plaintiff

Nicole Labossier

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Kenneth J Falk

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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doing business as ACLU of Indiana

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Plaintiff

Francisco Navarro

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Stevie J Pactor

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V.

Defendant

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Allen County Sheriff

in his official capacity
TERMINATED: 09/03/2020

represented by J Spencer Feighner

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Email: jsf@hallercolvin.com TERMINATED: 09/03/2020

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TERMINATED: 09/03/2020 LEAD ATTORNEY ATTORNEY TO BE NOTICED

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Email: jfriend@hallercolvin.com TERMINATED: 09/03/2020 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
06/26/2020	1	COMPLAINT with JURY DEMAND against All Defendants (Filing fee \$ 400 receipt number 0755-4264088.), filed by TAYLOR RAYMOND CRANE, MATT CARMER, KENDALL DIMOND. (Attachments: # 1 Civil Cover Sheet, # 2 Proposed Summons)(Falk, Kenneth) (Entered: 06/26/2020)	
06/26/2020	2	NOTICE of Appearance by Kenneth J Falk on behalf of All Plaintiffs (Falk, Kenneth) (Entered: 06/26/2020)	
06/26/2020	3	NOTICE of Appearance by Gavin M Rose on behalf of All Plaintiffs (Rose, Gavin) (Entered: 06/26/2020)	
06/26/2020	4	NOTICE of Appearance by Stevie J Pactor on behalf of All Plaintiffs (Pactor, Stevie) (Entered: 06/26/2020)	
06/29/2020		**NEW CASE** Judge Holly A Brady and Magistrate Judge Susan L Collins added. (nae) (Entered: 06/29/2020)	
06/29/2020	<u>5</u>	Summons Issued as to Allen County Sheriff, City of Fort Wayne. NOTE:The attached document is accessible by court personnel only. Summons forms that were electronically submitted to the court for issuance will be returned to counsel via e-mail. (nae) (Entered: 06/29/2020)	
06/29/2020	<u>6</u>	ORDER: Pursuant to 28 U.S.C. § 455, the undersigned recuses herself from this case. Pursuant to 28 U.S.C. § 137 and Local Rule 40-1(f)(2)(A), the Clerk of this Court is hereby directed to reassign this matter to Judge Damon R. Leichty for all further proceedings. Signed by Judge Holly A. Brady on 6/29/2020. (lhc) (Entered: 06/29/2020)	

07/02/2020	7	AMENDED COMPLAINT for Declaratory and Injunctive Relief and Damages (First) against All Defendants, filed by Kendall Dimond, Taylor Raymond Crane, Matt Carmer, Janet Badia, Emma Baker, Ben Schoch, Amanda Joseph, Alisha Rauch, Nancy Virtue, Nicole Labossier, Skyler Darnell, Black & Brown Liberation, Kayla Harrington, Indiana Civil Liberties Union, Inc., d/b/a ACLU of Indiana, Francisco Navarro.(Falk, Kenneth) Modified on 7/6/2020 (bas). (Entered: 07/02/2020)	
07/02/2020	8	NOTICE of Appearance by Kenneth J Falk on behalf of All Plaintiffs (Falk, Kenneth) (Entered: 07/02/2020)	
07/02/2020	9	Corporate Disclosure Statement by Indiana Civil Liberties Union, Inc., d/b/a ACLU of Indiana. (Falk, Kenneth) (Entered: 07/02/2020)	
07/02/2020	10	NOTICE of Appearance by Gavin M Rose on behalf of All Plaintiffs (Rose, Gavin) (Entered: 07/02/2020)	
07/02/2020	11	NOTICE of Appearance by Stevie J Pactor on behalf of All Plaintiffs (Pactor, Stevie) (Entered: 07/02/2020)	
07/02/2020	12	*WITHDRAWN pursuant to 47 Order dated 10/2/2020* MOTION for Preliminary Injunction and Status Conference to Discuss Scheduling by Plaintiffs Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., d/b/a ACLU of Indiana, Amanda Joseph, Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue. (Falk, Kenneth) Modified on 7/6/2020 (bas). Modified on 10/2/2020 (bas). (Entered: 07/02/2020)	
07/06/2020	<u>13</u>	NOTICE of Appearance by Anne L Cowgur on behalf of City of Fort Wayne (Cowgur, Anne) (Entered: 07/06/2020)	
07/06/2020	14	NOTICE of Appearance by Beth A Copeland on behalf of City of Fort Wayne (Copeland, Beth) (Entered: 07/06/2020)	
07/06/2020	<u>15</u>	NOTICE of Appearance by Adam Matthew Henry on behalf of City of Fort Wayne (Henry, Adam) (Entered: 07/06/2020)	
07/07/2020	<u>16</u>	NOTICE of Appearance by J Spencer Feighner on behalf of Allen County Sheriff (Feighner, J) (Entered: 07/07/2020)	
07/07/2020	<u>17</u>	NOTICE of Appearance by John O Feighner on behalf of Allen County Sheriff (Feighner, John) (Entered: 07/07/2020)	

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07/07/2020	18	NOTICE of Hearing: Telephonic Status Conference set for 7/9/2020 10:00 AM (EST) in US District Court - South Bend before Judge Damon R Leichty to discuss briefing schedule for 12 motion for preliminary injunction. Dial-in instructions to be provided to the parties via email. (dk) (Entered: 07/07/2020)		
07/09/2020	<u>19</u>	NOTICE of Appearance by Joshua C Friend on behalf of Allen County Sheriff (Friend, Joshua) (Entered: 07/09/2020)		
07/09/2020	20	TELEPHONIC STATUS CONFERENCE held on 7/9/2020 before Judge Damon R Leichty. Pla appeared by attys Falk, Rose. Dft appeared by attys Feighner, Feighner, Henry, Cowgur, Copeland, Friend, Storer. After discussions, the court established briefing schedule, deadlines and hearings. Written order to follow. (Court Reporter D. Bonk.) (dk) (Entered: 07/09/2020)		
07/10/2020	21	NOTICE of Appearance by Theodore T Storer on behalf of City of Fort Wayne (Storer, Theodore) (Entered: 07/10/2020)		
07/13/2020	22	ORDER: The parties agreed to begin discovery immediately, and the court ordered the following schedule: All initial written discovery requests must be issued on or by 7/16/2020 with the responses due on or by 7/30/2020. The parties must respond to any other written discovery within fourteen days after electronic service. Witness lists must be exchanged between the parties on or by 7/23/2020 as outlined. The parties must exchange any opening expert report pertaining to the preliminary injunction request on or before 8/20/2020. Any rebuttal or supplement to these reports must be exchanged on or by 9/3/2020. The plaintiffs' brief, including any declarations and supporting documentary evidence, must be filed on or before 8/20/2020. The defendants' brief, including any declarations and supporting documentary evidence, must be filed on or before 9/24/2020. The parties may file an oversized brief up to 45 pages. All depositions related to the preliminary injunction request must be completed by 9/17/2020 as outlined. The parties must file their final witness lists and a joint exhibit list with the court on or by 9/29/2020. All exhibits must be exchanged by this date. The court set a two-day evidentiary hearing in Fort Wayne, Indiana for October 15-16, 2020 at 9:30 AM. Signed by Judge Damon R Leichty on 7/13/2020. (bas) (Entered: 07/13/2020)		
07/23/2020	23	ANSWER to 7 Amended Complaint, by Allen County Sheriff.(Feighner, J) (Entered: 07/23/2020)		
07/24/2020	24	AGREED NOTICE to extend time to file answer filed by City of Fort Wayne; answer due by August 24, 2020. (Copeland, Beth) (Entered: 07/24/2020)		

08/06/2020	<u>25</u>	MOTION to Dismiss <i>claims against all defendants</i> by Plaintiff Alisha Rauch. (Pactor, Stevie) (Entered: 08/06/2020)		
08/07/2020	26	TION Modify Scheduling Order (Unopposed) by Plaintiffs Janet a, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor mond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, ana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, cisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue. (Falk, neth) (Entered: 08/07/2020)		
08/13/2020	27	ORDER re 26 MOTION to Modify Scheduling Order. The court MODIFIES its preliminary injunction schedule as follows: The parties must exchange any opening expert report pertaining to the preliminary injunction request on or before 8/27/2020. Any rebuttal or supplement to these reports must be exchanged on or by 9/10/2020. The plaintiffs' brief, including any declarations and supporting documentary evidence, must be filed on or before 8/27/2020. The defendants' brief, including any declarations and supporting documentary evidence, must be filed on or before 10/1/2020. The parties may file an oversized brief up to 45 pages. All depositions related to the preliminary injunction request must be completed by 9/24/2020. The parties must work together to ensure the prompt scheduling of depositions in compliance with this order's timing and after exchange of their respective witness lists. The parties must file their final witness lists and a joint exhibit list with the court on or by 10/5/2020. The plaintiff's reply brief must be filed on or by 10/9/2020. All materials must be served electronically to facilitate immediate receipt. The provisions of Fed. R. Civ. P. 26(e) will apply in recognition of the expedited nature of this pre-hearing work. To facilitate an efficient resolution to the motion for preliminary injunction, the court limits all preliminary discovery to the issues concerning injunctive relief and not damages. The parties are encouraged to resolve all discovery disputes without the court's assistance consistent with the Federal Rules of Civil Procedure; but, in the event they can't, the parties must contact the court so that it may promptly schedule a telephonic hearing to address the issue, without filing any motion to compel. This provision doesnt apply to third-party discovery. The two-day evidentiary hearing remains set in Fort Wayne, Indiana for October 15-16, 2020 at 9:30 a.m. The court may modify this schedule at any time for good cause. Signed by Judge Damon R Leichty on 8/13/2020. (bas) (Entered: 0		
08/18/2020	28	NOTICE of Appearance by Carol T Helton on behalf of City of Fort Wayne (Helton, Carol) (Entered: 08/18/2020)		
08/24/2020	<u>29</u>	ANSWER to 7 Amended Complaint, by City of Fort Wayne.(Cowgur, Anne) (Entered: 08/24/2020)		

08/25/2020	30	TELEPHONE CONFERENCE held on 8/25/2020 before Judge Damon R Leichty. Pla appeared by attys Falk, Rose, Pactor. Dft appeared by attys Cowgur, Feighner, Feighner, Helton, Henry. Conference held to discuss discovery issue. Written order to follow. (Court Reporter D. Bonk.) (dk) (Entered: 08/25/2020)		
08/26/2020	31	ORDER: The court ORDERS the five plaintiffs, Taylor Crane, Kendall Dimond, Skyler Darnell, Ben Schoch, and Francisco Navarro, to appear in person for their depositions as outlined. All counsel must communicate with each other no later than August 28, 2020 to identify who will be attending these depositions. For the defendants' other depositions, the court ORDERS the parties to conduct the depositions remotely, with the witness appearing in person with a court reporter and videographer only, unless the parties otherwise stipulate. Plaintiff Amanda Joseph may not be deposed until after September 7, 2020. Signed by Judge Damon R Leichty on 8/26/2020. (bas) (Entered: 08/26/2020)		
08/27/2020	32	NOTICE by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue re 12 MOTION for Preliminary Injunction and Status Conference to Discuss Scheduling of Evidence Submitted in Support (Attachments: # 1 Exhibit 1: Deposition of Chief S. Reed, # 2 Exhibit 2: Deposition of Lt. K. Zelt, # 3 Exhibit 3: Deposition of Lt. J. Bowers, # 4 Exhibit 4: City 30(b)(6) dep exhibits, # 5 Exhibit 5: Deposition of Sheriff D. Gladieux, # 6 Exhibit 6: Affidavit of V. Rios-Prokop, # 7 Exhibit 7: Affidavit of J. Henegar, # 8 Exhibit 8: Affidavit of N. Labossier, # 9 Exhibit 9: Affidavit of K. Dimond, # 10 Exhibit 10: Affidavit of T. Crane, # 11 Exhibit 11: Affidavit of M. Carmer, # 12 Exhibit 12: Affidavit of B. Schoch, # 13 Exhibit 13: Affidavit of J. Badia, # 14 Exhibit 14: Affidavit of E. Baker, # 15 Exhibit 15: Affidavit of N. Virtue, # 16 Exhibit 16: Affidavit of S. Darnell, # 17 Exhibit 17: Affidavit of A. Joseph, # 18 Exhibit 18: Affidavit of F. Navarro, # 19 Exhibit 19: Affidavit of K. Harrington, # 20 Exhibit 20: Affidavit of B. Brake, # 21 Exhibit 21: Affidavit of M. Geiger, # 22 Exhibit 22: Affidavit of D. Kuntz, # 23 Exhibit 23: Affidavit of A. DeVinney-Stoner, # 24 Exhibit 24: Affidavit of E. Lurks, # 25 Exhibit 25: Affidavit of T. Brown, # 26 Exhibit 26: Affidavit of T. Hollister, # 27 Exhibit 27: Affidavit of C. Cramer, # 28 Exhibit 28: Affidavit of A. Stombaugh, # 29 Exhibit 29: Affidavit of E. Case, # 30 Exhibit 30: Expert Report of R. Clark)(Pactor, Stevie) (Entered: 08/27/2020)		
08/27/2020	33	NOTICE OF MANUAL FILING of Manually Filed Videos by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor		

		Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue (Pactor, Stevie) (Entered: 08/27/2020)	
08/27/2020	34	MEMORANDUM in Support of 12 MOTION for Preliminary Injunction and Status Conference to Discuss Scheduling filed by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue. (Pactor, Stevie) (Entered: 08/27/2020)	
08/28/2020	<u>35</u>	STIPULATION to Amend Complaint to Dismiss Certain Claims and Parties by Plaintiffs Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue. (Falk, Kenneth) (Entered: 08/28/2020)	
09/01/2020	36	RECEIPT of <u>33</u> Manual Filing (a thumb drive containing all videos listed in Notice). (lhc) (Entered: 09/02/2020)	
09/03/2020	37	ORDER: The court GRANTS Ms. Rauch's motion to dismiss her claims 25 and DISMISSES her as a named plaintiff and all her claims against the defendants, without prejudice. The court ACCEPTS the parties' stipulation 35 and DISMISSES all claims against Allen County Sheriff with the parties to bear their costs and fees under Fed. R. Civ. P. 41(a)(1)(A)(ii). The amended complaint 7 remains the plaintiffs' operable pleading, save paragraphs 102-123 of the amended complaint referring to Ms. Rauch's allegations. Signed by Judge Damon R Leichty on 9/3/2020. (bas) (Entered: 09/03/2020)	
09/10/2020	38	MOTION for Extension of Time to File / Modify Scheduling Order by Defendant City of Fort Wayne. (Henry, Adam) (Entered: 09/10/2020)	
09/11/2020	39	ORDER granting <u>38</u> Motion for Extension of Time to File: For good cause shown, the court GRANTS the defendant's motion to modify scheduling order (ECF <u>38</u>) and ORDERS the parties to exchange their supplemental expert reports on or by Friday, September 18, 2020. All other deadlines in the court's scheduling order (ECF <u>27</u>) remain operable. Text-only order by Judge Damon R Leichty on 9/11/20. (dk) (Entered: 09/11/2020)	
09/13/2020	40	NOTICE by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph,	

		Nicole Labossier, Francisco Navarro, Alisha Rauch, Ben Schoch, Nancy Virtue of Filing of Executed Version of Aff. of F. Navarro (Attachments: # 1 Exhibit (Aff. of F. Navarro - Executed))(Rose, Gavin) (Entered: 09/13/2020)	
09/13/2020	41	NOTICE OF MANUAL FILING of Schoch Video Exh. A - Replaced by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Ben Schoch, Nancy Virtue (Rose, Gavin) (Entered: 09/13/2020)	
09/13/2020	42	MOTION Substitute Exh. A to Aff. of B. Schoch by Plaintiffs Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Ben Schoch, Nancy Virtue. (Rose, Gavin) (Entered: 09/13/2020)	
09/17/2020	43	RECEIPT of 41 NOTICE OF MANUAL FILING of Schoch Video Exh. A - Replaced by Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Ben Schoch, Nancy Virtue (2 USBs). (lhc) (Entered: 09/18/2020)	
09/29/2020	44	ORDER for Magistrate Judge Susan Collins: 42 Plaintiffs' Motion to Substitute Exhibit A to Affidavit of Ben Schoch is granted. The video exhibit titled "Schoch Video Exh. A - Replaced 43 is to be substituted for the previously filed video exhibit titled "Schoch Video Exh." 40. Text entry order. (mr) Modified on 9/29/2020 to correct DE (mr). (Entered: 09/29/2020)	
10/01/2020	45	MOTION for Extension of Time to File Response/Reply, MOTION for Preliminary Injunction and Certain Case Management Deadlines by Defendant City of Fort Wayne. (Cowgur, Anne) (Entered: 10/01/2020)	
10/01/2020	46	MOTION to Withdraw <i>Motion for Preliminary Injunction and to Vacate Hearing (UNOPPOSED)</i> by Plaintiffs Janet Badia, Emma Baker, Black & Brown Liberation, Matt Carmer, Taylor Raymond Crane, Skyler Darnell, Kendall Dimond, Kayla Harrington, Indiana Civil Liberties Union, Inc., Amanda Joseph, Nicole Labossier, Francisco Navarro, Ben Schoch, Nancy Virtue. (Falk, Kenneth) (Entered: 10/01/2020)	
10/02/2020	47	ORDER: The court GRANTS the plaintiffs' motion to withdraw their preliminary injunction motion 46; DIRECTS the clerk's office to show plaintiffs' motion for preliminary injunction WITHDRAWN 12;	

VACATES the preliminary injunction hearing scheduled for October 15-16, 2020 $\underline{22}$; and DENIES as MOOT the defendant's motion for extension of time to file its response and modify other case management deadlines $\underline{45}$. Signed by Judge Damon R Leichty on 10/2/2020. (bas) (Entered: 10/02/2020)

PACER Service Center			
	Transaction Rec	ceipt	
11/10/2020 11:19:20			
PACER Login:	CRClearinghouse:2563377:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:20-cv- 00240-DRL- SLC
Billable Pages:	11	Cost:	1.10