

CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:15-cv-00605-RLY-TAB**

VERMILLION v. PLANK
Assigned to: Judge Richard L. Young
Referred to: Magistrate Judge Tim A. Baker
Case in other court: Indiana Northern, 3:11-cv-00280
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/16/2015
Date Terminated: 10/21/2019
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

JAY F. VERMILLION

represented by **JAY F. VERMILLION**
973683
PENDLETON – CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant

MARK E. LEVENHAGEN
Superintendent

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Defendant

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Date Filed	#	Docket Text
07/12/2011	<u>1</u>	DOCUMENT STRICKEN BY ORDER <u>8</u> . PRO SE COMPLAINT with 28 copies of summons forms and 28 copies of USM-285 forms and with Jury Demand against Doug Barnes, Celia Bobson, Mark Brennan, Dawn Buss, Ralph Carrasco, Ernestine Cole, Debra Daugherty, Jane Doe, John Doe I, John Doe II, John Doe III, David Dombrowsky, Indiana State of, Robert Johnson, Bessie Leonard, David Leonard, Linda Leonard, Mark Levenhagen, Brett Mize, Howard Morton, Sally Nowatzke, Charles Penfold, Willard Plank, Stephanie Rothenberg, Craig Travis, D Walker, Larry Warg, Charles Whelan, filed by Jay F Vermillion. (Attachments: # <u>1</u> Exhibit - Grievance Reports)(smp) Modified on 7/14/2011 to correct file date (smp). Modified on 10/24/2011 (smp). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/13/2011)
07/12/2011	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Plaintiff Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/13/2011)
07/12/2011	<u>3</u>	MOTION to Appoint Counsel by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> Exhibits 1-6b)(smp) Modified on 7/14/2011 to correct file date (smp). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/13/2011)
08/19/2011	<u>4</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis; orders facility having custody of Plaintiff to deduct \$11.99 from his inmate trust account in payment of the initial partial filing fee; orders plaintiff to pay (and the facility having custody of him to automatically remit) to this court 20% of money he receives for each calendar month during which he receives \$10.00 or more, until the \$350.00 filing fee is paid in full. Signed by Judge Joseph S Van Bokkelen on 8/19/2011. (cc: Supt Westville Correctional) (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 08/19/2011)
08/23/2011	<u>5</u>	Letter from Jay Vermillion asking for something confirming that materials were received. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 08/24/2011)
08/31/2011	<u>6</u>	Payment of initial partial Filing fee: \$ 11.99, receipt number 3002091 (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/01/2011)

09/07/2011	<u>7</u>	ORDER denying as premature <u>3</u> Motion to Appoint Counsel. Plaintiff may renew his motion for appointment of counsel after the Court has screened his complaint. Signed by Magistrate Judge Christopher A Nuechterlein on 9/7/11. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/07/2011)
10/03/2011		Partial filing fee received: \$ 8.00, receipt number INN3002295 (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/05/2011)
10/21/2011	<u>8</u>	OPINION AND ORDER striking <u>1</u> Pro Se Complaint,, filed by Jay F Vermillion; amended complaint to be filed by 12/9/2011. Clerk to send blank 1983 form, summons and 285 forms. Signed by Judge Joseph S Van Bokkelen on 10/21/11. (sent 1983 form, 12 summons and 12 USM-285 forms) (smp) Modified on 10/24/2011 to correct type (smp). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/24/2011)
10/24/2011	<u>9</u>	BALANCE of Filing fee: \$ 330.01, receipt number 3002626 (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/24/2011)
11/03/2011	<u>10</u>	MOTION to Alter and/or Amend Judgment by Plaintiff Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 11/07/2011)
11/16/2011	<u>11</u>	STRICKEN BY ORDER <u>13</u> . AMENDED COMPLAINT against Doug Barnes, Celia Bobson, Mark Brennan, Dawn Buss, Ralph Carrasco, Ernestine Cole, Debra Daugherty, Jane Doe, John Doe I, John Doe II, John Doe III, David Dombrowsky, Indiana State of, Robert Johnson, Bessie Leonard, David Leonard, Linda Leonard, Mark Levenhagen, Brett Mize, Howard Morton, Sally Nowatzke, Charles Penfold, Willard Plank, Stephanie Rothenberg, Craig Travis, D Walker, Larry Warg, Charles Whelan, Gary Brennan, filed by Jay F Vermillion.(smp) Modified on 2/2/2012 (smp). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 11/17/2011)
11/16/2011		RECEIPT of summons and 285 forms for defendants Gary Brennan and Dawn Walker from Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 11/17/2011)
11/17/2011	<u>12</u>	ORDER denying as moot <u>10</u> Motion to Alter Judgment. Signed by Judge Joseph S Van Bokkelen on 11/17/11. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 11/18/2011)
02/02/2012	<u>13</u>	ORDER striking <u>11</u> Amended Complaint, filed by Jay F Vermillion, amended complaint containing only a single claim or related claims arising at the same facility to be filed by 3/8/2012.. Signed by Judge Joseph S Van Bokkelen on 2/2/12. (1983 form, summons and 285 forms sent)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 02/02/2012)
03/07/2012	<u>14</u>	SECOND AMENDED COMPLAINT against Doug Barnes, Celia Bobson, Gary Brennan, Dawn Buss, Ralph Carrasco, Ernestine Cole, David Dombrowsky, Indiana State of (In Dept of Corr), Robert Johnson, Bessie Leonard, David Leonard, Linda Leonard, Mark Levenhagen, Brett Mize, Howard Morton, Sally Nowatzke, Charles Penfold, Willard Plank, Stephanie Rothenberg, Craig Travis, Dawn Walker, Larry Warg, Charles Whelan, filed by Jay F Vermillion.(smp) Modified on 3/8/2012 to add text "second" (smp). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 03/08/2012)
03/07/2012	<u>15</u>	Letter from Jay Vermillion stating that summons and 285 forms were sent with first amended complaint of 11/14/11. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 03/08/2012)
04/24/2012	<u>16</u>	NOTICE of Related Action by Jay F Vermillion (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/25/2012)
05/08/2012	<u>17</u>	ORDER re <u>14</u> Second Amended Complaint, filed by Jay F Vermillion, DENYING plaintiff leave to proceed against multiple defendants on unrelated claims in his Second Amended Complaint; GRANTING leave to proceed against Defendants Mark Levenhagen, Howard Morton, Gary Brennan, Bret Mize and Sally Nowatzke in their individual capacities on claim in paragraphs E and F; DISMISSING and other claims and DISMISSING Party Dawn Buss, Ralph Carrasco, Ernestine Cole, David Dombrowsky, Indiana State of, Robert Johnson, Bessie Leonard, David Leonard, Linda Leonard, Charles Penfold, Willard Plank, Stephanie Rothenberg, Craig Travis, Dawn Walker, Larry Warg, Charles Whelan, Doug Barnes and Celia Bobson. USM to

		effect service. Signed by Judge Joseph S Van Bokkelen on 5/8/12. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/09/2012)
05/09/2012	<u>18</u>	Summons Issued as to Gary Brennan, Mark Levenhagen, Brett Mize, Howard Morton, Sally Nowatzke. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/09/2012)
06/04/2012	<u>19</u>	MOTION to Reconsider, Alter, and/or Amend Judgment by Plaintiff Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/05/2012)
06/15/2012	<u>20</u>	NOTICE of Appearance by Timothy Allon Renfro, Jr on behalf of Gary Brennan, Mark Levenhagen, Howard Morton, Sally Nowatzke (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/15/2012)
06/15/2012	<u>21</u>	NOTICE by Gary Brennan, Mark Levenhagen, Howard Morton, Sally Nowatzke re <u>14</u> Amended Complaint, <i>Initial Extension of Time</i> (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/15/2012)
06/15/2012	<u>22</u>	NOTICE of Appearance by Betsy M Isenberg on behalf of Gary Brennan, Mark Levenhagen, Howard Morton, Sally Nowatzke (Isenberg, Betsy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/15/2012)
06/15/2012		Reset Deadlines: Answer due 7/13/12 for defendants Brennan, Levenhagen, Morton, Nowatzke (jld) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/18/2012)
06/21/2012	<u>23</u>	Summons Returned Unexecuted by Jay F Vermillion as to Brett Mize. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/25/2012)
06/26/2012	<u>24</u>	SUMMONS Returned Executed by Jay F Vermillion. Gary Brennan served on 5/25/2012, answer due 6/15/2012. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/27/2012)
06/26/2012	<u>25</u>	SUMMONS Returned Executed by Jay F Vermillion. Howard Morton served on 5/25/2012, answer due 6/15/2012. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/27/2012)
06/26/2012		Reset Answer Deadlines for defendants Morton and Brennan to 7/13/12 per <u>21</u> . (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/27/2012)
06/26/2012	<u>26</u>	SUMMONS Returned Executed by Jay F Vermillion. Mark Levenhagen served on 5/25/2012, answer due 7/13/2012 per <u>12</u> . (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/27/2012)
06/26/2012	<u>27</u>	SUMMONS Returned Executed by Jay F Vermillion. Sally Nowatzke served on 5/25/2012, answer due 7/13/2012 per <u>12</u> . (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/27/2012)
07/03/2012	<u>28</u>	Letter from Jay Vermillion requesting copy of <u>19</u> . (Sent) (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/05/2012)
07/13/2012	<u>29</u>	ANSWER to <u>14</u> Amended Complaint, <i>and Statement of Defenses</i> by Gary Brennan, Mark Levenhagen, Howard Morton, Sally Nowatzke.(Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/13/2012)
09/04/2012	<u>31</u>	Letter from Jay Vermillion re: Motion for reconsideration (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/06/2012)
10/19/2012	<u>32</u>	ORDER vacating 30 scheduling order. The Court will reenter a scheduling order after the Court rules on the Plaintiff's motion to reconsider the screening order. Signed by Magistrate Judge Christopher A Nuechterlein on 10/19/12. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/19/2012)
11/05/2012	<u>33</u>	ORDER granting in part and denying in part <u>19</u> MOTION to Alter Judgment filed by Jay F Vermillion., (Plaintiff to advise the Court by 12/7/12 whether he wishes to continue on claim that officials violated his 14th amendment rights when they transferred him to WCU, or against a Defendant on other claims). Signed by Judge Joseph S Van Bokkelen on 11/5/12. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 11/06/2012)

12/03/2012	<u>34</u>	MOTION for Reconsideration re <u>33</u> Order by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> Memorandum in Support)(jld) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 12/04/2012)
02/27/2013	<u>35</u>	NOTICE of Change of Address by Jay F Vermillion from Westville Control Unit to Pendleton Correctional Facility. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 02/28/2013)
04/12/2013	<u>36</u>	ORDER for clerk to forward copy of <u>4</u> Order on Motion for Leave to Proceed in forma pauperis, to the Superintendent of the Pendleton Correctional Facility. Signed by Magistrate Judge Christopher A Nuechterlein on 4/12/13. (smp) (Copy to Supt Pendleton) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/12/2013)
04/25/2013	<u>37</u>	Letter from Jay Vermillion re order of 4/12/13 which stated that he still owed \$330.01. (Attached receipt which shows payment) (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/29/2013)
04/29/2013	<u>38</u>	MOTION to Withdraw as Attorney of record by Defendants Gary Brennan, Mark Levenhagen, Howard Morton, Sally Nowatzke. (Isenberg, Betsy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/29/2013)
05/09/2013	<u>39</u>	ORDER advising Superintendent of the Pendleton Correctional Facility that plaintiff Jay Vermillion has paid the filing fee in this case in full. Signed by Magistrate Judge Christopher A Nuechterlein on 5/9/13. (smp)(Copy to Supt) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/09/2013)
05/10/2013	<u>40</u>	ORDER granting <u>38</u> Motion to Withdraw as Attorney. Attorney Betsy M Isenberg terminated as counsel for defendants. Signed by Magistrate Judge Christopher A Nuechterlein on 5/10/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/10/2013)
05/29/2013	<u>41</u>	ORDER TO SHOW CAUSE Response to Order to Show Cause due by 6/27/2013 to show cause why defendant Mize should not be dismissed from this case pursuant to FRCP 4(m). Signed by Magistrate Judge Christopher A Nuechterlein on 5/29/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/29/2013)
07/03/2013	<u>42</u>	RESPONSE TO ORDER TO SHOW CAUSE by Jay F Vermillion filed by Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/09/2013)
07/03/2013	<u>43</u>	MOTION for Extension of Time to serve process on defendant Mize by Plaintiff Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/09/2013)
07/15/2013	<u>44</u>	OPINION AND ORDER denying <u>34</u> Motion for Reconsideration. Dispositive motions to be filed by 10/7/2013. All discovery is STAYED pending the filing of notice that defendants waive their opportunity to file dispositive motion, or resolution of the dispositive motion, except discovery directed at the question of exhaustion. Signed by Judge Joseph S Van Bokkelen on 7/15/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/16/2013)
07/16/2013	<u>45</u>	ORDER granting <u>43</u> Motion for Extension of Time to provide the Court with new summons and USM-285 forms for Defendant Mize. Deficiency to be cured by 8/30/2013. Signed by Judge Joseph S Van Bokkelen on 7/16/13. (smp) (2 summonses and 1 285 form sent) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/19/2013)
07/22/2013	<u>46</u>	NOTICE OF MOTION by Jay F Vermillion (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/23/2013)
07/23/2013	<u>47</u>	MOTION to Amend <u>14</u> Second Amended Complaint, by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> Amended Complaint)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/23/2013)
07/25/2013	<u>48</u>	NOTICE of Change of Address by Jay F Vermillion from Westville Control Unit to Pendleton Correctional Facility (Indiana State Reformatory). (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/26/2013)

08/06/2013	<u>49</u>	ORDER denying <u>47</u> Motion for leave to amend. Signed by Magistrate Judge Christopher A Nuechterlein on 8/6/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 08/07/2013)
08/30/2013	<u>50</u>	RECEIPT of completed summons and 285 form for defendant Mize from Jay F Vermillion. (Attachments: # <u>1</u> 2 proposed summons, # <u>2</u> USM-285)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/03/2013)
09/04/2013	<u>51</u>	ORDER re <u>50</u> Receipt filed by Jay F Vermillion. Court directs USM to attempt service on Defendant Brett Mize at the address provided. Signed by Judge Joseph S Van Bokkelen on 9/4/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/04/2013)
09/04/2013	<u>52</u>	ALIAS SUMMONS ISSUED as to Brett Mize. NOTE: The attached document should not be used to effect service of process. Only copies that bear the seal of the court should be used for service of process. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/04/2013)
10/07/2013	<u>53</u>	MOTION for Summary Judgment by Defendants Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Attachments: # <u>1</u> Exhibit A – Declaration of Jack Hendrix with attachments)(Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/07/2013)
10/07/2013	<u>54</u>	MEMORANDUM in Support of <u>53</u> MOTION for Summary Judgment filed by Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/07/2013)
10/07/2013	<u>55</u>	NOTICE by Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke of <i>Summary Judgment Motion</i> (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/07/2013)
10/25/2013	<u>56</u>	Summons Returned Unexecuted by Jay F Vermillion as to Brett Mize. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 10/28/2013)
12/09/2013	<u>57</u>	ORDER. Response to motion for summary judgment to be filed by 1/13/2014. Signed by Judge Joseph S Van Bokkelen on 12/9/13. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 12/09/2013)
01/09/2014	<u>58</u>	MOTION to Compel service of motion for summary judgment upon plaintiff; MOTION for Extension of Time to File Response to <u>53</u> MOTION for Summary Judgment by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> envelope)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 01/14/2014)
01/15/2014	<u>59</u>	RESPONSE to Motion re <u>58</u> MOTION to Compel MOTION for Extension of Time to File Response/Reply as to <u>53</u> MOTION for Summary Judgment filed by Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Attachments: # <u>1</u> Exhibit A – Signed Receipt for Records Received from DAG Renfro)(Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 01/15/2014)
01/15/2014	<u>60</u>	ORDER granting <u>58</u> Motion to Compel; granting <u>58</u> Motion for Extension of Time to File Response/Reply Reply to be filed by 3/14/2014. Response to be filed by 2/28/2014. Clerk directed to send plaintiff copy of <u>53</u> , <u>54</u> , and <u>55</u> . Signed by Judge Joseph S Van Bokkelen on 1/15/14. (smp)(copies sent) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 01/16/2014)
02/27/2014	<u>61</u>	RESPONSE to Motion re <u>53</u> MOTION for Summary Judgment filed by Jay F Vermillion. (Attachments: # <u>1</u> Declaration in opposition to motion for summary judgment, # <u>2</u> Exhibits, # <u>3</u> envelope)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 02/28/2014)
03/12/2014	<u>62</u>	REPLY to Response to Motion re <u>53</u> MOTION for Summary Judgment (<i>Supporting</i>) filed by Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 03/12/2014)
03/19/2014	<u>63</u>	OPINION AND ORDER granting <u>53</u> Defendants' Motion for Summary Judgment. This action is DISMISSED WITHOUT PREJUDICE pursuant to 42 USC 1997e(a). Signed by Judge Joseph S Van Bokkelen on 3/19/14. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 03/20/2014)

03/21/2014	<u>64</u>	CLERK'S ENTRY OF JUDGMENT. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 03/21/2014)
04/04/2014	<u>65</u>	AMENDED JUDGMENT to <u>64</u> Clerks Judgment. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/04/2014)
05/05/2014	<u>66</u>	MOTION to Reconsider, Alter and/or Amend Judgment re <u>63</u> Order on Motion for Summary Judgment by Plaintiff Jay F Vermillion. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/06/2014)
05/05/2014	<u>67</u>	MEMORANDUM in Support of <u>66</u> MOTION for Reconsideration re <u>63</u> Order on Motion for Summary Judgment filed by Jay F Vermillion. (Attachments: # <u>1</u> envelope)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/06/2014)
05/16/2014	<u>68</u>	RESPONSE to Motion re <u>66</u> MOTION for Reconsideration re <u>63</u> Order on Motion for Summary Judgment <i>or to Alter and/or Amend Judgment (Opposing)</i> filed by Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/16/2014)
05/16/2014	<u>69</u>	ORDER denying <u>66</u> Motion for Reconsideration. Signed by Judge Joseph S Van Bokkelen on 5/16/14. (smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/19/2014)
05/19/2014	<u>70</u>	VERIFIED MOTION to Change Venue by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> envelope)(smp) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 05/21/2014)
06/04/2014	<u>71</u>	NOTICE of Appearance by Betsy M Isenberg on behalf of Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke (Isenberg, Betsy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/04/2014)
06/04/2014	<u>72</u>	MOTION to Withdraw as Attorney of <i>T. Allon Renfro</i> by Defendants Gary Brennan, Mark E Levenhagen, Howard Morton, Sally Nowatzke. (Renfro, Timothy) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/04/2014)
06/04/2014	<u>73</u>	ORDER granting <u>72</u> Motion to Withdraw as Attorney. Attorney Timothy Allon Renfro, Jr terminated. Approved by Magistrate Judge Christopher A Nuechterlein on 6/4/14. (slm) Modified on 6/4/2014 (slm). [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/04/2014)
06/13/2014	<u>74</u>	ORDER denying <u>70</u> Motion to Change Venue. Signed by Judge Joseph S Van Bokkelen on 6/13/2014. (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/16/2014)
06/16/2014	<u>75</u>	NOTICE OF APPEAL as to <u>69</u> Order on Motion for Reconsideration by Jay F Vermillion. Receipt of partial Filing fee \$5, receipt number 3010700. (rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/18/2014)
06/16/2014	<u>76</u>	Docketing Statement re: <u>75</u> Notice of Appeal filed by Jay F Vermillion. (rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/18/2014)
06/16/2014	<u>77</u>	MOTION for Leave to Appeal in forma pauperis (Prisoner Trust Account Ledger attached) by Plaintiff Jay F Vermillion. (Attachments: # <u>1</u> Certificate of Prisoner Account)(rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/18/2014)
06/18/2014	<u>78</u>	Short Record Sent to US Court of Appeals re <u>75</u> Notice of Appeal. No appeal fees paid. (Attachments: # <u>1</u> Short Record)(rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/18/2014)
06/18/2014	<u>80</u>	USCA Case Number 14-2327 for <u>75</u> Notice of Appeal filed by Jay F Vermillion. (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/23/2014)
06/18/2014	<u>81</u>	PLRA FEE NOTICE AND ORDER of USCA as to <u>75</u> Notice of Appeal filed by Jay F Vermillion (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/23/2014)

06/19/2014	<u>79</u>	ORDER granting <u>77</u> Motion for Leave to Appeal in forma pauperis. The Court WAIVES the initial partial appellate filing fee and ORDERS the plaintiff, Jay F. Vermillion, IDOC #973683, to pay (and the facility having custody of him to automatically remit) to the Clerk of this Court 20% of the money he receives for each calendar month during which he receives \$10 or more, until the \$505 appellate filing fee is paid in full; and DIRECTS the Clerk to ensure that a copy of this order is mailed to each facility where Plaintiff is housed until the filing fee has been paid in full. Signed by Judge Joseph S Van Bokkelen on 6/19/2014. (rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 06/19/2014)
07/09/2014	<u>82</u>	MOTION to Withdraw Record, or Obtain Portions of It, for Preparation of Appellant's Brief and Appendix by Plaintiff Jay F Vermillion. (rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/14/2014)
07/28/2014	<u>83</u>	Letter from 7th Circuit Court of Appeals requesting record on appeal. (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/29/2014)
07/31/2014	<u>84</u>	Transmitted Record on Appeal to US Court of Appeals re <u>75</u> Notice of Appeal (via email) (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 07/31/2014)
07/31/2014	<u>85</u>	NOTICE of Docketing Record on Appeal from USCA re <u>75</u> Notice of Appeal filed by Jay F Vermillion. (kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 08/04/2014)
09/04/2014	<u>86</u>	ORDER denying <u>82</u> Motion to Withdraw Record. Signed by Judge Joseph S Van Bokkelen on 9/4/2014. (rmc) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 09/04/2014)
04/06/2015	<u>87</u>	MANDATE of USCA as to <u>75</u> Notice of Appeal filed by Jay F Vermillion. The judgment of the District Court is VACATED insofar as it dismisses any claim against defendants and as to those defendants, the case is remanded. No record to be returned. (Attachments: # <u>1</u> certified final jgm, # <u>2</u> certified order, # <u>3</u> certified nonprecedential disposition)(kds) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/07/2015)
04/15/2015	<u>88</u>	Consent to Receipt of Documents Through Prisoner Electronic Filing Program by Jay F Vermillion (jld) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/15/2015)
04/15/2015	<u>89</u>	PLAINTIFF'S RENEWED VERIFIED MOTION to Change Venue by Jay F Vermillion. (jld) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/15/2015)
04/15/2015	<u>90</u>	ORDER: Pursuant to the 4/6/15 mandate of the US Court of Appeals and <u>70</u> & <u>89</u> MOTIONS to Change Venue filed by Jay F Vermillion, this case is transferred to the Southern District of Indiana pursuant to 28 U.S.C. § 1404(a).. Signed by Judge Joseph S Van Bokkelen on 4/15/15. (jld) [Transferred from Indiana Northern on 4/16/2015.] (Entered: 04/15/2015)
04/16/2015	<u>91</u>	Case transferred in from District of Indiana Northern; Case Number 3:11-cv-00280. Original file copy of transfer order and docket sheet received. (Entered: 04/16/2015)
04/21/2015	<u>93</u>	CONSENT to Prisoner E-Service by JAY F. VERMILLION. Pursuant to General Order 2013-1, documents submitted by JAY F. VERMILLION to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (NRN) (Entered: 04/22/2015)
04/21/2015	<u>94</u>	Position Statement by JAY F. VERMILLION. (NRN) (Entered: 04/22/2015)
04/22/2015	<u>92</u>	ENTRY Discussing Mandate and Directing Further Proceedings – The plaintiff shall have through 5/15/15, in which to file a third amended complaint setting forth all claims, federal and state, against defendants Levenhagen, Morton, Brennan, Mize, Nowatzke, Plank, Buss, Whelan, and Carrasco. (cm). Signed by Judge Richard L. Young on 4/22/2015.(TMD) (Entered: 04/22/2015)

05/01/2015	<u>95</u>	MOTION to Clarify the Title of This Case, filed by Plaintiff JAY F. VERMILLION. (NRN) (Entered: 05/01/2015)
05/08/2015	<u>96</u>	THIRD AMENDED COMPLAINT against GARY BRENNAN, DAWN BUSS, Ralph Carrasco, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, Charles Whelan, IDOC Tort Claims Defendants, filed by JAY F. VERMILLION.(TMB) Modified on 5/8/2015 (TMB). (Entered: 05/08/2015)
05/22/2015	<u>97</u>	DISMISSAL – of certain claims (SEE ENTRY). Clerk designated to issue and serve process on defendants Plank, Buss, Whelan and Carrasco. Counsel for defendants who have appeared in this action shall have through 6/17/15 to answer/respond to third amended complaint. (cm). Signed by Judge Richard L. Young on 5/22/2015.(TMD) (Entered: 05/22/2015)
05/22/2015		ORDER granting in part and denying in part <u>95</u> Motion to Clarify the Title of This Case. Plank will be added as defendant. Signed by Judge Richard L. Young on 5/22/2015. (TMD) (Entered: 05/22/2015)
05/22/2015	<u>98</u>	NOTICE of Lawsuit & Waiver Issued by Clerk to defendants Plank, Buss, Whelan and Carrasco. (TMD) (Entered: 05/22/2015)
06/08/2015	<u>99</u>	MOTION to Reconsider, Alter, and/or Amend Judgment re <u>97</u> Dismissal, filed by Plaintiff JAY F. VERMILLION. (TMB) (Entered: 06/08/2015)
06/11/2015	<u>100</u>	Mail Returned as undeliverable. <u>98</u> NOTICE of Lawsuit & Waiver Issued by Clerk, <u>97</u> Dismissal, <u>96</u> Amended Complaint sent to RALPH CARRASCO. (TMB) (Entered: 06/11/2015)
06/17/2015	<u>101</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendants GARY BRENNAN, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, CHARLES WHELAN. (Jones, Benjamin) (Entered: 06/17/2015)
06/17/2015	<u>102</u>	ANSWER to <u>96</u> Amended Complaint , filed by GARY BRENNAN, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, CHARLES WHELAN.(Jones, Benjamin) Modified on 6/18/2015 (NRN). (Entered: 06/17/2015)
06/17/2015	<u>103</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendant CHARLES WHELAN. (Isenberg, Betsy) (Entered: 06/17/2015)
06/22/2015	<u>104</u>	MOTION to Compel Service of Process on Defendant Ralph Carrasco, filed by Plaintiff JAY F. VERMILLION. (NRN) (Entered: 06/22/2015)
07/08/2015	<u>105</u>	ORDER denying plaintiff's <u>99</u> Motion for Reconsideration. Signed by Judge Richard L. Young on 7/8/2015. (TMD) (Entered: 07/08/2015)
07/13/2015	<u>106</u>	ORDER granting plaintiff's <u>104</u> Motion to Compel service of process. Counsel for the defendants are directed to ascertain and file (under seal, if appropriate) the last known address for Defendants Brett Mize and Ralph Carrasco. This shall be done as soon as possible, but not later than August 10, 2015. Signed by Judge Richard L. Young on 7/13/2015. (TMD) (Entered: 07/13/2015)
07/20/2015	<u>107</u>	SEALED DOCUMENT SUBMITTED AS DIRECTED BY THE COURT, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, CHARLES WHELAN. (Jones, Benjamin) (Entered: 07/20/2015)
07/22/2015	<u>108</u>	SECOND MOTION for Reconsideration re <u>97</u> Dismissal, filed by Plaintiff JAY F. VERMILLION. (TMB) (Entered: 07/22/2015)
07/23/2015	<u>109</u>	MOTION for Protective Order, filed by Defendants RALPH CARRASCO, BRETT MIZE. (Attachments: # <u>1</u> Proposed Order)(Jones, Benjamin) (Entered: 07/23/2015)
08/06/2015	<u>110</u>	ORDER denying Second <u>108</u> Motion for Reconsideration. Signed by Judge Richard L. Young on 8/6/2015. (TMD) (Entered: 08/06/2015)
08/06/2015	<u>111</u>	ORDER granting defendants <u>109</u> Motion for Protective Order. Signed by Judge Richard L. Young on 8/6/2015. (TMD) (Entered: 08/06/2015)

08/10/2015	<u>113</u>	ENTRY directing Clerk to issue and serve process on defendants Mize and Carrasco. Counsel for defendants are directed to ascertain and file last known address for Defendants Plank and Buss no later than 8/31/15. (cm). Signed by Judge Richard L. Young on 8/10/2015.(TMD) (Entered: 08/10/2015)
08/10/2015	<u>114</u>	NOTICE of Lawsuit & Waiver Issued by Clerk as to defendants Mize and Carrasco. (TMD) (Entered: 08/10/2015)
08/19/2015	<u>115</u>	Second MOTION for Protective Order , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, CHARLES WHELAN. (Attachments: # <u>1</u> Proposed Order)(Jones, Benjamin) (Entered: 08/19/2015)
08/21/2015	<u>116</u>	Mail Returned as undeliverable. <u>114</u> NOTICE of Lawsuit & Waiver Issued by Clerk sent to BRETT MIZE. (TMB) Sealed entry due to Protective Order at docket #111. Modified on 8/31/2015 (TMB). (Entered: 08/21/2015)
08/24/2015	<u>117</u>	WAIVER OF SERVICE Returned Executed, filed by RALPH CARRASCO. RALPH CARRASCO waiver sent on 8/10/2015. (Attachments: # <u>1</u> Envelope)(NRN) (Entered: 08/25/2015)
08/25/2015	<u>118</u>	ORDER granting Defendants' <u>115</u> Motion for Protective Order. The Defendants shall have leave to file the last known addresses of Defendants Willard Plank and Dawn Buss ex parte. Signed by Judge Richard L. Young on 8/25/2015. (TMD) Modified on 8/26/2015 (NRN). (Entered: 08/25/2015)
08/28/2015	<u>120</u>	ENTRY Directing Additional Service of Process on defendants Plank and Buss. (cm). Signed by Judge Richard L. Young on 8/28/2015.(TMD) (Entered: 08/28/2015)
08/28/2015	<u>121</u>	NOTICE of Lawsuit & Waiver Issued by Clerk to Willard Plank and Dawn Buss. (TMD) (Entered: 08/28/2015)
09/14/2015	<u>122</u>	WAIVER OF SERVICE Returned Executed, filed by WILLARD PLANK. WILLARD PLANK waiver sent on 8/28/2015. (Attachments: # <u>1</u> Envelope)(NRN) (Entered: 09/15/2015)
09/28/2015	<u>123</u>	WAIVER OF SERVICE Returned Executed, filed by DAWN BUSS. DAWN BUSS waiver sent on 8/28/2015. (NRN) (Entered: 09/29/2015)
09/28/2015	<u>124</u>	WAIVER OF SERVICE Returned Executed, filed by WILLARD PLANK. (NRN) (Entered: 09/29/2015)
10/19/2015	<u>125</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendants DAWN BUSS, RALPH CARRASCO. (Jones, Benjamin) (Entered: 10/19/2015)
10/19/2015	<u>126</u>	ANSWER to <u>96</u> Amended Complaint , filed by DAWN BUSS, RALPH CARRASCO.(Jones, Benjamin) (Entered: 10/19/2015)
10/19/2015	<u>127</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendants DAWN BUSS, RALPH CARRASCO. (Isenberg, Betsy) (Entered: 10/19/2015)
10/20/2015	<u>128</u>	MOTION to Compel Service of Process on Defendant Brett Mize, filed by Plaintiff JAY F. VERMILLION. (TMB) (Entered: 10/20/2015)
10/21/2015	<u>129</u>	ORDER granting <u>128</u> Motion to Compel. Counsel for Mize shall have through November 15, 2015, in which to notify the Court whether Mize will waive service of process in this case. If Mize will not waive service then the Marshal Service will be directed to track down Mize consistent with the Seventh Circuit's directions in Williams v. Werlinger, 795 F.3d 759 (7th Cir. 2015).. Signed by Judge Richard L. Young on 10/21/2015. (TMD) (Entered: 10/21/2015)
10/26/2015	<u>130</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendant WILLARD PLANK. (Jones, Benjamin) (Entered: 10/26/2015)
10/26/2015	<u>131</u>	ANSWER to <u>96</u> Amended Complaint , filed by WILLARD PLANK.(Jones, Benjamin) (Entered: 10/26/2015)
10/26/2015	<u>132</u>	NOTICE re <u>109</u> MOTION for Protective Order, filed by Defendants RALPH CARRASCO, BRETT MIZE, filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY

		NOWATZKE, WILLARD PLANK, CHARLES WHELAN (Jones, Benjamin) Modified on 10/27/2015 (NRN). (Entered: 10/26/2015)
10/26/2015	<u>133</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendant WILLARD PLANK. (Isenberg, Betsy) (Entered: 10/26/2015)
10/26/2015	<u>134</u>	MOTION to Strike <u>131</u> Answer to Amended Complaint, filed by Plaintiff JAY F. VERMILLION. (TMB) (Entered: 10/27/2015)
11/24/2015	<u>135</u>	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Jay F. Vermillion. (copy sent to plaintiff via US Mail) (TMB) (Entered: 11/24/2015)
12/01/2015	<u>136</u>	ENTRY Directing Further Proceedings – Clerk designated to issue process to be served via U.S. Marshal at the expense of the United States. The Marshal is notified that the Court and the pro se prisoner plaintiff do not know where Brett Mize can be served. Accordingly, the Marshal or his Deputy is required to use the Marshal services' available resources to track down and serve Brett Mize. The clerk is directed to release the information contained in the ex parte filing at docket 112 to the Marshal.. Signed by Judge Richard L. Young on 12/1/2015.(TMD) (Entered: 12/01/2015)
12/01/2015	<u>137</u>	Summons Issued as to BRETT MIZE. (Attachments: # <u>1</u> USM 285 Form)(TMD) (Entered: 12/01/2015)
12/01/2015	<u>138</u>	Documents for service by USM –, re <u>136</u> Entry, <u>137</u> Summons Issued, <u>96</u> Amended Complaint. Electronic Notice to USM.(TMD) (Entered: 12/01/2015)
01/29/2016	<u>139</u>	RETURN of USM Service as to BRETT MIZE Unexecuted – Mize no longer employed by INDOC for at least 3 years per Robert Bugher, Chief Counsel. (NRN) Modified on 2/1/2016 (NRN). (Entered: 01/29/2016)
02/02/2016	<u>140</u>	Third MOTION to Compel Service of Process on Defendant Brett Mize, filed by Plaintiff JAY F. VERMILLION. (NRN) (Entered: 02/02/2016)
04/06/2016	<u>141</u>	MOTION to Compel Service of Process on Defendant Brett Mize, filed by Plaintiff JAY F. VERMILLION. (NRN) (Entered: 04/06/2016)
05/26/2016	<u>142</u>	MOTION Requesting Docket Sheet and Account Statement, filed by Plaintiff JAY F. VERMILLION. (TMB) (Entered: 05/26/2016)
05/27/2016	<u>143</u>	ENTRY Concerning Selected Matters – The motion to strike <u>134</u> is denied. The plaintiff's motions to compel service of process on defendant Brett A. Mize <u>140</u> and <u>141</u> are granted consistent with the following. The clerk is designated, pursuant to Fed. R. Civ. P. 4(c)(3), to issue process to the defendant Brett Mize. Process shall consist of an alias summons. The Marshal for this District or his Deputy shall serve the alias summons, together with a copy of the third amended complaint, filed on May 8, 2015, <u>96</u> , and a copy of this Entry, on the defendant at the expense of the United States. The plaintiff's request for a copy of the docket sheet <u>142</u> is granted. The clerk is directed to include a copy of the docket sheet along with the plaintiff's copy of this Entry. The docket sheet reflects the payments that have been received by the court. Signed by Judge Richard L. Young on 5/27/2016. (copies via US Mail/USM Service) (NRN) (Entered: 05/27/2016)
05/27/2016	<u>144</u>	Summons Issued as to BRETT MIZE. (Attachments: # <u>1</u> USM 285 Form)(NRN) (Entered: 05/27/2016)
05/27/2016	<u>145</u>	Documents for service by USM re <u>144</u> Summons Issued, <u>143</u> Order on Motion to Strike Order on Motion to Compel, <u>96</u> Amended Complaint. Paper copies to USM.(NRN) (Entered: 05/27/2016)
06/01/2016	<u>146</u>	ENTRY Setting Pretrial Schedule – This action shall now proceed in accordance with the following schedule as to all parties except defendant Mize (See Entry). Signed by Judge Richard L. Young on 6/1/2016.(NRN) Modified on 6/1/2016 to show copy sent via US Mail (NRN). (Entered: 06/01/2016)
08/08/2016	<u>147</u>	Fifth MOTION to Compel Service of Process on Defendant Brett Mize, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 08/08/2016)
09/28/2016	<u>148</u>	ENTRY DIRECTING MARSHALS SERVICE TO SERVE BRETT MIZE OR FILE A REPORT – Plaintiff's motion to compel service on Defendant Brett Mize <u>147</u> is

		GRANTED to the extent that Chief Deputy Buzz Brown, or his designee, is DIRECTED to effect service of process on defendant Brett Mize. If it is unable to do so, he (or is designee) it is DIRECTED to file a report documenting the efforts undertaken in this regard. These steps shall be taken by October 18, 2016. Signed by Judge Richard L. Young on 9/28/2016. (JRB) (Entered: 09/28/2016)
09/28/2016	<u>149</u>	Summons Issued as to BRETT MIZE. (Attachments: # <u>1</u> USM 285 Form)(JRB) (Entered: 09/28/2016)
09/28/2016	<u>150</u>	Documents for service by USM -, re <u>149</u> Summons Issued, <u>148</u> Order on Motion, <u>96</u> Amended Complaint. Paper copies to USM.(JRB) (Main Document 150 replaced on 9/28/2016) (JRB). (Entered: 09/28/2016)
10/14/2016	<u>151</u>	MOTION to Appoint Counsel, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit)(RSF) (Entered: 10/14/2016)
10/20/2016	<u>152</u>	ORDER denying <u>151</u> Motion to Appoint Counsel. The Clerk is directed to include a form motion for assistance recruiting counsel along with the plaintiff's copy of this Entry. Copies sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 10/20/2016. (JRB) (Entered: 10/20/2016)
11/02/2016	<u>153</u>	MOTION for Rule to Show Cause, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 11/02/2016)
11/08/2016	<u>154</u>	RETURN of USM Service BRETT MIZE served on 11/9/2016. (JRB) (Entered: 11/10/2016)
11/15/2016	<u>155</u>	MOTION <i>For Leave to Depose Inmate</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 11/15/2016)
11/15/2016	<u>156</u>	ORDER granting <u>155</u> Motion Leave to Depose Inmate. Defendants are granted leave to depose Jay F. Vermillion, a prisoner at the Pendleton Correctional Facility, on or after November 30, 2016 at a time to be arranged with the facility. Signed by Judge Richard L. Young on 11/15/2016. (JRB) (Entered: 11/15/2016)
11/16/2016	<u>157</u>	ORDER denying <u>153</u> Motion to Compel - The Court will resend the form motion for assistance recruiting counsel along with this Entry. If the plaintiff believes that the defendants' discovery requests have been inadequate he should attempt to resolve the issue with defendants' counsel. If no resolution can be reached he should file a motion to compel. SEE ORDER. Signed by Judge Richard L. Young on 11/16/2016. (Attachments: # <u>1</u> Motion for Recruitment of Counsel) (JRB) (Entered: 11/16/2016)
11/17/2016	<u>158</u>	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 11/17/2016)
11/18/2016	<u>159</u>	RETURN of USM Service BRETT MIZE served on 11/2/2016. (JRB) (Entered: 11/18/2016)
11/18/2016	<u>160</u>	MOTION for Extension of Time of Discovery Deadline to 3/1/2017, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 11/18/2016)
11/28/2016	<u>161</u>	NOTICE <i>of No Objection</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN (Jones, Benjamin) (Entered: 11/28/2016)
11/29/2016	<u>163</u>	ORDER granting <u>160</u> Motion for Extension of Time to 3/1/2017 to Complete Discovery. SEE ORDER. Signed by Judge Richard L. Young on 11/30/2016. (JRB) (Entered: 11/30/2016)
11/30/2016	<u>162</u>	ORDER denying <u>158</u> Motion for Assistance with Recruiting Counsel. SEE ORDER. Signed by Judge Richard L. Young on 11/29/2016. (JRB) (Entered: 11/30/2016)
12/27/2016	<u>164</u>	MOTION for Clerk's Entry of Default, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 12/27/2016)

12/28/2016	<u>165</u>	MOTION for Extension of Time to March 31, 2017 in which to <u>146</u> Scheduling OrderSet Scheduling Order Deadlines <i>for Summary Judgment Deadline</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) Modified on 12/28/2016 (JRB). (Entered: 12/28/2016)
12/29/2016	<u>166</u>	ORDER granting <u>165</u> Motion for Extension of Time to File Any Motions Under Federal Rule of Civil Procedure 56 and Local Rule 56-1 to 3/31/2017. Signed by Judge Richard L. Young on 12/29/2016. (JRB) (Entered: 12/29/2016)
01/06/2017	<u>167</u>	Letter from Brett Mize. (Attachments: # <u>1</u> Envelope) (JRB) Modified on 1/6/2017 (MAC). (Envelope restricted for address information). (Entered: 01/06/2017)
01/06/2017	<u>168</u>	NOTICE of Appearance by Benjamin Myron Lane Jones on behalf of Defendant BRETT MIZE. (Jones, Benjamin) (Entered: 01/06/2017)
01/06/2017	<u>169</u>	ANSWER to <u>96</u> Amended Complaint , filed by BRETT MIZE.(Jones, Benjamin) (Entered: 01/06/2017)
01/06/2017	<u>170</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendant BRETT MIZE. (Isenberg, Betsy) (Entered: 01/06/2017)
01/10/2017	<u>171</u>	ENTRY – The motion for Clerk's Entry of Default <u>164</u> is denied. The defendant Brett Mize has appeared by counsel and has filed an answer to the complaint.Given the recent appearance of defendant Brett Mize. The parties now have through March 16, 2017, to complete discovery and through April 19, 2017, to file any dispositive motion. Signed by Judge Richard L. Young on 1/10/2017. (JRB) (Entered: 01/10/2017)
02/08/2017	<u>172</u>	NOTICE of Substitution of Appearance by Kyle Charles Fletcher replacing <i>Betsy M. Isenberg</i> on behalf of GARY BRENNAN(Director of Op WCU), DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON(Admin Asst ISP), SALLY NOWATZKE(Case Counselor WCU), WILLARD PLANK, CHARLES WHELAN (Attachments: # <u>1</u> Text of Proposed Order) (Fletcher, Kyle) (Entered: 02/08/2017)
04/06/2017	<u>173</u>	ORDER REASSIGNING CASE – Pursuant to 28 U.S.C. Section 137 and Local Rule 40-1(f), this matter has been reassigned to Magistrate Judge Tim A. Baker. Judge Denise K. LaRue is no longer assigned to the case. Please included the new case number,1:15-cv-605-RLY-TAB, on all future filings in this matter. Signed by Judge Jane Magnus-Stinson on 4/6/2017. (MAT) (Entered: 04/06/2017)
04/06/2017	<u>174</u>	MOTION to Extend Pretrial Scheduling Deadlines, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 04/06/2017)
04/17/2017	<u>175</u>	RESPONSE to Motion re <u>174</u> MOTION for Extension of Time to <i>Extend Pretrial Scheduling Deadlines</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Jones, Benjamin) (Entered: 04/17/2017)
04/19/2017	<u>176</u>	MOTION for Extension of Time to 04/26/2017 , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 04/19/2017)
04/21/2017	<u>177</u>	Plaintiff's Motion to Suppress Deposition, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 04/21/2017)
04/24/2017	<u>178</u>	Entry Directing Further Proceedings – The parties' motions to extend deadlines, <u>174</u> and <u>176</u> , are granted to the extent that the discovery deadline is extended through June 20, 2017, and the dispositive motion deadline is extended through July 25, 2017. This scheduling order does not automatically extend the plaintiff's time to file his response to that motion. Signed by Judge Richard L. Young on 4/24/2017.(JRB) (Entered: 04/24/2017)

05/01/2017	<u>179</u>	RESPONSE in Opposition re <u>177</u> MOTION to Suppress Deposition, filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Jones, Benjamin) (Entered: 05/01/2017)
06/05/2017	<u>180</u>	NOTICE of Substitution of Appearance by Christopher Andrew Farrington replacing Kyle C. Fletcher on behalf of GARY BRENNAN(Director of Op WCU), DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON(Admin Asst ISP), SALLY NOWATZKE(Case Counselor WCU), WILLARD PLANK, CHARLES WHELAN (Farrington, Christopher) (Entered: 06/05/2017)
06/15/2017	<u>181</u>	Motion to authenticate Subpoena as to Mr. Benjamin M.L. Jones, Deputy, filed by Plaintiff JAY F. VERMILLION. (JRB) Modified on 7/25/2017 (TMD). (Entered: 06/15/2017)
06/23/2017	<u>182</u>	MOTION to Extend Pretrial Scheduling Deadlines, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 06/23/2017)
07/25/2017	<u>183</u>	ORDER denying Plaintiff's <u>177</u> Motion to Suppress Deposition. Signed by Judge Richard L. Young on 7/25/2017. (TMD) (Entered: 07/25/2017)
07/25/2017	<u>184</u>	ORDER denying Plaintiff's <u>181</u> Motion to Authenticate Subpoena and granting plaintiff's <u>182</u> Motion for Extension of Time – SEE ENTRY. Signed by Judge Richard L. Young on 7/25/2017. (TMD) (Entered: 07/25/2017)
08/24/2017	<u>185</u>	MOTION for Extension of Time to 09/01/2017 in which to Reply to <u>184</u> Court's Order filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) Modified on 8/24/2017 (JRB). (Entered: 08/24/2017)
08/25/2017	<u>186</u>	ORDER granting <u>185</u> Motion for Extension of Time to File to 9/1/17 for Plaintiff to Listen to Audio Recording. Signed by Judge Richard L. Young on 8/25/2017. (JRB) (Entered: 08/25/2017)
09/01/2017	<u>187</u>	NOTICE , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN (Jones, Benjamin) (Entered: 09/01/2017)
09/25/2017	<u>188</u>	MOTION to Extend Pretrial Scheduling Deadlines, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 09/25/2017)
10/19/2017	<u>189</u>	ORDER granting <u>188</u> Motion to Extend Pretrial Scheduling Deadlines –Dispositive Motions due by 1/26/2018., Discovery due by 12/20/2017. SEE ORDER. Signed by Judge Richard L. Young on 10/19/2017.(JRB) (Entered: 10/19/2017)
10/26/2017	<u>190</u>	SCHEDULING ORDER – Final Pretrial Conference set for 7/12/2018 at 09:30 AM in room #349, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Richard L. Young. Jury Trial set for 7/23/2018 at 09:00 AM in room #349, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Richard L. Young. The court has allotted four days for this trial. Signed by Judge Richard L. Young on 10/26/2017.(JRB) (Entered: 10/26/2017)
10/31/2017	<u>191</u>	MOTION to Appoint Counsel, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 10/31/2017)
11/28/2017	<u>192</u>	ORDER denying <u>191</u> Motion to Appoint Counsel – Given the expansive record in this case, the parties are directed to report by no later than December 21, 2017, whether they have made a jury demand in this case. SEE ORDER. Signed by Judge Richard L. Young on 11/28/2017. (JRB) (Entered: 11/28/2017)
12/07/2017	<u>193</u>	Plaintiff's Objection in Response to the Court's <u>192</u> Order Denying Motion to Appoint Counsel, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 12/07/2017)
12/07/2017	<u>194</u>	Witness List, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 12/07/2017)

12/21/2017	<u>195</u>	NOTICE <i>Regarding Jury Demand</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN (Jones, Benjamin) (Entered: 12/21/2017)
01/26/2018	<u>196</u>	MOTION for Summary Judgment , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Exhibit A – Deposition of Jay Vermillion, # <u>2</u> Exhibit B – Affidavit of Charles Whelan)(Jones, Benjamin) (Entered: 01/26/2018)
01/26/2018	<u>197</u>	BRIEF/MEMORANDUM in Support re <u>196</u> MOTION for Summary Judgment , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Jones, Benjamin) (Entered: 01/26/2018)
01/26/2018	<u>198</u>	NOTICE of Filing <i>Manually Attachement to ECF-196-2</i> by GARY BRENNAN(Director of Op WCU), DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON(Admin Asst ISP), SALLY NOWATZKE(Case Counselor WCU), WILLARD PLANK, CHARLES WHELAN (Jones, Benjamin) (Entered: 01/26/2018)
01/26/2018	<u>199</u>	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Oppositon to Motion for Summary Judgment</i> , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN (Attachments: # <u>1</u> Exhibit A – Fed. R. Civ. P. 56, # <u>2</u> Exhibit B – Local Rule 56-1) (Jones, Benjamin) (Entered: 01/26/2018)
01/29/2018	<u>200</u>	Receipt of Manual Filing (One CD) re <u>198</u> NOTICE of Filing Manually. (Attachments: # <u>1</u> Copy of Notice of Manual Filing) (APD) (Entered: 01/29/2018)
02/22/2018	<u>201</u>	MOTION for Extension of Time to File Response to <u>196</u> MOTION for Summary Judgment , filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 02/22/2018)
03/08/2018	<u>202</u>	RESPONSE in Opposition re <u>201</u> MOTION for Extension of Time to File Response re <u>196</u> MOTION for Summary Judgment , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Jones, Benjamin) (Entered: 03/08/2018)
03/12/2018	<u>203</u>	Entry Directing the Further Development of this Action – The plaintiff's motion for time to respond to the motion for summary judgment, <u>201</u> , is granted in part. In order to meet the trial date, the plaintiff's response to the motion for summary judgment is due no later than April 4, 2018. The plaintiff's objection to testimony from Charles Whelan as untimely is overruled. The clerk is directed to include a copy of docket number 194, along with the plaintiff's copy of this Entry. The plaintiff is directed to submit a copy of his inmate trust account for the past six months by April 12, 2018. SEE ORDER. Signed by Judge Richard L. Young on 3/12/2018. (Attachments: # <u>1</u> Copy to Plaintiff) (JRB) (Entered: 03/12/2018)
03/29/2018	<u>204</u>	MOTION for Extension of Time in which to Respond to <u>196</u> MOTION for Summary Judgment , filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 03/29/2018)
03/29/2018	<u>205</u>	ORDER granting <u>204</u> Motion for Extension of Time to File a Response to <u>196</u> Motion for Summary Judgment to 4/13/18. Signed by Judge Richard L. Young on 3/29/2018. (JRB) (Entered: 03/29/2018)
04/02/2018	<u>206</u>	NOTICE of Substitution of Appearance by David C. Dickmeyer replacing <i>Christopher Andrew (Drew) Farrington</i> on behalf of GARY BRENNAN(Director of Op WCU), DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON(Admin Asst ISP), SALLY NOWATZKE(Case Counselor WCU), WILLARD PLANK, CHARLES WHELAN (Attachments: # <u>1</u> Text of Proposed Order) (Dickmeyer, David) (Entered: 04/02/2018)
04/11/2018	<u>207</u>	Designation of Evidence, filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 04/11/2018)

04/11/2018	<u>208</u>	RESPONSE in Opposition to <u>196</u> MOTION for Summary Judgment , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit)(JRB) (Entered: 04/11/2018)
04/11/2018	<u>209</u>	BRIEF in Opposition in <u>196</u> MOTION for Summary Judgment , filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 04/11/2018)
04/25/2018	<u>210</u>	MOTION for Extension of Time to File Reply to April 27, 2018 re <u>196</u> MOTION for Summary Judgment , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 04/25/2018)
04/27/2018	<u>211</u>	REPLY in Support of Motion re <u>196</u> MOTION for Summary Judgment , filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Jones, Benjamin) (Entered: 04/27/2018)
05/01/2018	<u>212</u>	ORDER granting <u>210</u> Motion for Extension of Time to File Reply to <u>196</u> MOTION for Summary Judgment to 4/27/18. Signed by Judge Richard L. Young on 5/1/2018. (JRB) (Entered: 05/01/2018)
05/04/2018	<u>213</u>	Surreply to Defendant's Reply of Support of <u>196</u> MOTION for Summary Judgment , filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 05/04/2018)
05/22/2018	<u>214</u>	ORDER granting in part and denying in part <u>196</u> Motion for Summary Judgment – Defendants Howard Morton, Willard Plank, Dawn Buss, Charles Whelan, and RalphCarrasco are entitled to judgment as a matter of law as to all claims alleged against them. The clerk is directed to terminate these five defendants on the docket. All defendants are entitled to summary judgment on the retaliation claim. Summary Judgment is denied as to the claim that Mark Levenhagen, Sally Nowatzke, Brett Mize and Gary Brennan violated Vermillion's Eighth Amendment rights through his placement in the Westville Control Unit for 1,513 days.Summary Judgment is denied as to the claim that Mark Levenhagen and Brett Mizetransferred Vermillion from the ISP to department–wide administrative segregation at the Westville Control Unit in violation of Vermillion's due process rights. No partial final judgment shall issue at this time as to the claims resolved in this Entry. SEE ORDER. Signed by Judge Richard L. Young on 5/22/2018. (Attachments: # <u>1</u> Attachment to Entry) (JRB) (Entered: 05/22/2018)
05/24/2018	<u>215</u>	MOTION <i>Requesting Settlement Conference</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 05/24/2018)
05/24/2018	<u>216</u>	ORDER OF RECRUITMENT OF COUNSEL PURSUANT TO LOCAL RULE 87 FOR THE LIMITED PURPOSE OF ASSISTING WITH A SETTLEMENT CONFERENCE – The Court hereby appoints Alice Morical and Chris Wagner to represent Plaintiff Jay F. Vermillion solely for the limited purpose of assisting him in connection with a settlement conference. Signed by Judge Richard L. Young on 5/24/2018.(JRB) (Entered: 05/24/2018)
05/25/2018	<u>217</u>	Submission of Proposed Order , re <u>215</u> MOTION <i>Requesting Settlement Conference</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 05/25/2018)
05/30/2018	<u>218</u>	RESPONSE to <u>215</u> MOTION <i>Requesting Settlement Conference</i> , filed by Plaintiff JAY F. VERMILLION. (JRB) (Entered: 05/30/2018)
05/30/2018	<u>219</u>	ORDER granting Defendants' <u>215</u> Motion requesting a settlement conference. The settlement conference will be scheduled by separate order. Signed by Magistrate Judge Tim A. Baker on 5/30/2018. (SWM) (Entered: 05/30/2018)
05/30/2018	<u>220</u>	ORDER Referring Cause to Magistrate Judge Dinsmore for Settlement Conference ONLY. See Order. Signed by Magistrate Judge Tim A. Baker on 5/30/2018.(SWM) (Entered: 05/30/2018)
06/08/2018	<u>221</u>	SCHEDULING ORDER: Settlement Conference set for 7/19/2018 01:00 PM (Eastern Time) in Telephonic before Magistrate Judge Mark J. Dinsmore. The parties shall attend the settlement conference by calling the designated telephone number, to be

		provided by the Court via email. On or before five (5) business days before the settlement conference, the parties shall submit (not file) a confidential settlement statement. See Order for additional information Signed by Magistrate Judge Mark J. Dinsmore on 6/8/2018..(SWM) (Entered: 06/11/2018)
06/08/2018	<u>222</u>	ORDER to Make Inmate Available – via Telephone. Warden of Pendleton Correctional Facility ordered to make Jay F. Vermillion Available – via Telephone for court proceeding on 7/19/2018 at 1:00 PM (Eastern). Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/8/2018.(SWM) (Entered: 06/11/2018)
06/18/2018	<u>223</u>	ENTRY – This action has been set for a settlement conference with Magistrate Judge Dinsmore on July 19, 2018. Accordingly, the Final Pretrial Conference set for July 12, 2018, and the Jury Trial set for July 23, 2018, are vacated. <u>190</u> . These trial settings will be reset if necessary following the conclusion of the settlement conference. Signed by Judge Richard L. Young on 6/18/2018.(JRB) (Entered: 06/18/2018)
06/26/2018	<u>224</u>	Unopposed MOTION for Plaintiff and Counsel to Participate in Person at Settlement Conference, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Morical, Alice) (Entered: 06/26/2018)
06/27/2018	<u>225</u>	ORDER granting Plaintiff's <u>224</u> Motion to Make Plaintiff Available in Person for Settlement Conference. The Court hereby CONVERTS the settlement conference scheduled for July 19, 2018 at 1:00 p.m. (Eastern), from telephonic to in person, in Courtroom 243, United States Courthouse, 46 E. Ohio Street, Indianapolis Indiana. All parties are ordered to appear in person. The Court will order Plaintiff Jay F. Vermillion to be produced in person by separate order. All other requirements of the Court's order scheduling the settlement conference [Dkt. <u>222</u>] remain in effect. Signed by Magistrate Judge Mark J. Dinsmore on 6/27/2018.(SWM) (Entered: 06/28/2018)
06/27/2018	<u>226</u>	ORDER to PRODUCE INMATE. Warden of Pendleton Correctional Facility ordered to produce Jay F. Vermillion for court proceeding on 7/19/2018. Copy to Lydia Enos via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 6/27/2018. Paper copies to USM.(SWM) (Entered: 06/28/2018)
07/06/2018	<u>227</u>	MOTION To Excuse Individual Defendant's From Settlement Conference, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion to Excuse Individual Defendant from Settlement Conference)(Dickmeyer, David) (Entered: 07/06/2018)
07/10/2018	<u>228</u>	ORDER granting in part and denying in part <u>227</u> Motion to excuse individual defendants from settlement conference (See Order for details). Signed by Magistrate Judge Mark J. Dinsmore on 7/10/2018. (CBU) (Entered: 07/10/2018)
07/13/2018	<u>229</u>	MOTION for Leave to Attend Settlement Conference, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 07/13/2018)
07/16/2018	<u>230</u>	ORDER granting Defendants' <u>229</u> Motion for Leave to Attend Settlement Conference. Defendants are permitted to have a law clerk attend the July 19, 2018 settlement conference. Signed by Magistrate Judge Mark J. Dinsmore on 7/16/2018. (SWM) (Entered: 07/17/2018)
07/19/2018	<u>231</u>	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Settlement Conference held on 7/19/2018. Settlement was not achieved. The conference concluded without further order. Signed by Magistrate Judge Mark J. Dinsmore. (BRR) (Entered: 07/20/2018)
07/30/2018	<u>232</u>	MOTION to Withdraw Attorney Appearance (<i>Limited Representation</i>), filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Morical, Alice) (Entered: 07/30/2018)
08/07/2018	<u>233</u>	ORDER granting <u>232</u> Motion to Withdraw Attorney Appearance. Attorney Alice McKenzie Morical and Christopher D. Wagner withdrawn. SEE ORDER. Signed by Judge Richard L. Young on 8/7/2018. (JRB) (Entered: 08/07/2018)

08/28/2018	<u>234</u>	Order of Recruitment of Counsel: ALICE M. MORICAL and CHRISTOPHER D. WAGNER added. Signed by Judge Richard L. Young on 8/28/2018.(JRB) (Entered: 08/28/2018)
08/29/2018	<u>235</u>	SCHEDULING ORDER: The court SETS this matter for a final pretrial conference on JUNE 10, 2019 at 2:00 p.m. Counsel are ordered to appear before the Honorable Richard L. Young, in room 349 of the Birch Bayh Federal Building and United States Courthouse, Indianapolis, Indiana 46204. This matter is also set for trial by jury on JUNE 24, 2019 at 9:00 a.m. in room 349. The court has allotted five (5) days for this trial. A status conference will be held SEPTEMBER 20, 2018 at 8:30 a.m. Counsel for parties are ordered to appear before the Honorable Richard L. Young, in room 349 of the Birch Bayh Federal Building and United States Courthouse, Indianapolis, Indiana. Signed by Judge Richard L. Young on 8/29/2018.(JRB) (Entered: 08/29/2018)
09/04/2018	<u>236</u>	MOTION for Attorney(s) Maggie E. Filler to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Affidavit Certification of Maggie E. Filler, # <u>2</u> Text of Proposed Order)(Morical, Alice) (Entered: 09/04/2018)
09/04/2018	<u>237</u>	MOTION for Attorney(s) Locke E. Bowman to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Affidavit Certification of Locke E. Bowman, # <u>2</u> Text of Proposed Order)(Morical, Alice) (Entered: 09/04/2018)
09/06/2018	<u>238</u>	ORDER granting <u>236</u> Motion to Appear pro hac vice. Attorney Maggie E. Filler for JAY F. VERMILLION added. Applicant shall register for electronic filing, as required by Local Rule 5-3, within 7 days. Copy to Maggie E. Filler via US Mail. Signed by Magistrate Judge Tim A. Baker on 9/6/2018. (SWM) (Entered: 09/06/2018)
09/06/2018	<u>239</u>	ORDER granting <u>237</u> Motion to Appear pro hac vice. Attorney Locke E. Bowman for JAY F. VERMILLION added. Applicant shall register for electronic filing, as required by Local Rule 5-3, within 7 days. Copy to Locke E. Bowman via US Mail. Signed by Magistrate Judge Tim A. Baker on 9/6/2018. (SWM) (Entered: 09/06/2018)
09/06/2018	<u>240</u>	Order to Produce Inmate at Court Proceeding via Videoconference. Warden of Pendleton CF ordered to produce Jay F. Vermillion for court proceeding on 9/20/2018.. Signed by Judge Richard L. Young on 9/6/2018. Paper copies to USM.(JRB) (Entered: 09/06/2018)
09/24/2018	<u>241</u>	Minute Entry for status conference held 9/20/18 before Judge Richard L. Young. Final pretrial setting is 6/10/19 and trial is scheduled for 6/24/19. Witness and exhibit list deadline is 1/18/19. Discovery deadline is 2/13/19. SEE ENTRY for other deadlines. (Court Reporter Maggie Techert.) (TMD) (Entered: 09/24/2018)
10/22/2018	<u>242</u>	Entry Permitting Law School Student Participation in this Action – At the September 20, 2018, Status Conference, Plaintiff's counsel requested that law school students be permitted to assist with pretrial preparations in this case. Defense counsel raised no objection. This court does not have a student practice rule and the request was taken under advisement. This court now grants permission for Northwestern Pritzker School of Law students to render such services (including the taking of depositions) under the supervision of recruited counsel, Maggie E. Filler and Locke E. Bowman in this case. (See Entry.) Signed by Judge Richard L. Young on 10/22/2018.(RSF) (Entered: 10/22/2018)
11/05/2018	<u>243</u>	Joint MOTION for Protective Order , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 11/05/2018)
11/05/2018	<u>244</u>	MOTION for Extension of Time to December 3, 2018 <i>to Respond to Discovery Requests</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 11/05/2018)
11/05/2018	<u>245</u>	Amended MOTION for Extension of Time to 12/3/18 in which to <u>244</u> MOTION for Extension of Time to December 3, 2018 <i>to Respond to Discovery Requests</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 11/05/2018)

11/06/2018	<u>246</u>	RESPONSE in Opposition re <u>245</u> Amended MOTION for Extension of Time to 12/3/18 in which to <u>244</u> MOTION for Extension of Time to December 3, 2018 <i>to Respond to Discovery Requests</i> , filed by Recruited Counsel MAGGIE E. FILLER. (Filler, Maggie) (Entered: 11/06/2018)
11/07/2018	<u>247</u>	REPLY in Support of Motion re <u>245</u> Amended MOTION for Extension of Time to 12/3/18 in which to <u>244</u> MOTION for Extension of Time to December 3, 2018 <i>to Respond to Discovery Requests</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Exhibit A – Plaintiff's Request for Production, # <u>2</u> Exhibit B – Plaintiff's Interrogatories)(Jones, Benjamin) (Entered: 11/07/2018)
11/14/2018	<u>248</u>	MOTION for Attorney(s) Matthew B. Underwood to Appear pro hac vice (Filing fee \$100, receipt number 0756–5156191), filed by Recruited Counsel MAGGIE E. FILLER. (Attachments: # <u>1</u> Exhibit Certification of Matthew B. Underwood In Support of Motion to Appear PHV, # <u>2</u> Exhibit Order Granting Motion to Appear PHV)(Filler, Maggie) (Entered: 11/14/2018)
11/19/2018	<u>249</u>	ORDER granting <u>248</u> Motion to Appear pro hac vice. Attorney Matthew B. Underwood for JAY F. VERMILLION added. Signed by Magistrate Judge Tim A. Baker on 11/19/2018 (dist made) (CBU) (Entered: 11/19/2018)
11/28/2018	<u>250</u>	Entry Concerning Selected Matters – The clerk is directed to modify the docket to reflect that Matthew B. Underwood is appearing as recruited counsel for plaintiff. The clerk is directed to update the docket to include Mr. Underwood's email address consistent with the distribution portion of this Entry. SEE ORDER. Signed by Judge Richard L. Young on 11/28/2018. (JRB) (Entered: 11/28/2018)
11/28/2018	<u>251</u>	STIPULATED PROTECTIVE ORDER. Signed by Judge Richard L. Young on 11/28/2018.(JRB) (Entered: 11/28/2018)
01/04/2019	<u>252</u>	MOTION to Strike <u>241</u> Status ConferenceSet DeadlinesSet Scheduling Order Deadlines , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order Proposed Scheduling Order, # <u>2</u> Exhibit 12.18.18 Discovery Response Letter)(Filler, Maggie) (Entered: 01/04/2019)
01/09/2019	<u>253</u>	SCHEDULING ORDER – On motion of the Plaintiff, Jay Vermillion, and for good cause shown, the scheduling order entered on September 24, 2018 (ECF 241) shall be modified. SEE ORDER. Signed by Judge Richard L. Young on 1/9/2019.(JRB) (Entered: 01/09/2019)
01/18/2019	<u>254</u>	SCHEDULING ORDER: Due to extended deadlines in the scheduling order entered 1/09/2019, the court VACATES the current final pretrial conference setting of 6/10/19 and trial setting of 6/24/19. Final Pretrial Conference RESET for 9/12/2019 at 9:00 AM (Eastern Time) in room #349, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Richard L. Young. Jury Trial RESET for 9/23/2019 at 9:00 AM (Eastern Time) in room #349, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Richard L. Young. The court has allotted five (5) days for this trial. Signed by Judge Richard L. Young on 1/18/2019 (copy mailed to plaintiff) .(LBT) Modified on 1/18/2019 to indicate copy mailed (LBT). (Entered: 01/18/2019)
01/29/2019	<u>255</u>	MOTION for Attorney(s) Melinda K. Johnson to Appear pro hac vice (No fee paid with this filing), filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit Certification of Melinda K. Johnson In Support of Motion to Appear PHV, # <u>2</u> Exhibit Order Granting Motion to Appear PHV)(Filler, Maggie) (Entered: 01/29/2019)
01/30/2019	<u>256</u>	ORDER granting <u>255</u> Motion to Appear pro hac vice. Attorney Melinda K. Johnson for JAY F. VERMILLION added. Signed by Magistrate Judge Tim A. Baker on 1/30/2019 (dist made) (CBU) (Entered: 01/30/2019)
01/31/2019	<u>257</u>	ENTRY – The clerk is directed to modify the docket to reflect that Melinda K. Johnson is appearing as recruited counsel for plaintiff. This modification will assist the court with internal tracking of its pro bono program and will result in the plaintiff receiving a copy of future court Orders. Signed by Judge Richard L. Young on 1/31/2019.(JRB) (Entered: 01/31/2019)

02/06/2019	<u>258</u>	NOTICE of Appearance by Jonathan Paul Nagy on behalf of Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Nagy, Jonathan) (Entered: 02/06/2019)
02/06/2019	<u>259</u>	NOTICE of Appearance by Destiny Reve Scott Wells on behalf of Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Wells, Destiny) (Entered: 02/06/2019)
02/06/2019	<u>260</u>	NOTICE of Appearance by Ryan J. Guillory on behalf of Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Guillory, Ryan) (Entered: 02/06/2019)
02/15/2019	<u>261</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE –This cause is set for a telephonic status conference at 9:30 a.m. on February 21, 2019. Parties shall participate in this conference by counsel. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. The purpose of this conference is to address a discovery dispute. Signed by Magistrate Judge Tim A. Baker on 2/15/2019.(MGG) (Entered: 02/15/2019)
02/18/2019	<u>262</u>	MOTION <i>for Telephonic Settlement Conference</i> , filed by Defendants MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion for Telephonic Settlement Conference)(Dickmeyer, David) (Entered: 02/18/2019)
02/28/2019	<u>264</u>	ORDER ON FEBRUARY 21, 2019, TELEPHONIC STATUS CONFERENCE – Parties appeared by counsel February 21, 2019, for a telephonic status conference. Discussion was held regarding discovery, settlement and related matters. Defendants' <u>262</u> Motion for telephonic settlement conference is denied. **SEE ORDER FOR FURTHER DETAILS. Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 02/28/2019)
03/14/2019	<u>265</u>	Joint MOTION for Extension of Time to <i>File Final Witness and Exhibit Lists</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 03/14/2019)
03/17/2019	<u>266</u>	First MOTION <i>To Exceed Ten Deposition Limit</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 03/17/2019)
03/18/2019	<u>267</u>	ORDER SETTING TELEPHONIC STATUS CONFERENCE – This cause is set for a telephonic status conference at 9:30 a.m. on March 19, 2019. Parties shall participate in this conference by counsel. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. The purpose of this conference is to address a discovery dispute. Signed by Magistrate Judge Tim A. Baker on 3/18/2019.(MGG) (Entered: 03/18/2019)
03/21/2019	<u>269</u>	ORDER ON MARCH 19, 2019, TELEPHONIC STATUS CONFERENCE AND ORDER SETTING SETTLEMENT CONFERENCE AND RELATED DEADLINES – Parties appeared by counsel March 19, 2019, for a telephonic status conference. The Court heard argument on Defendants objection to Plaintiff's request to conduct a second inspection of the Westville Control Unit ("WCU"). This matter is set for a settlement conference at 1:30 p.m. on June 10, 2019, room #234, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, before Magistrate Judge Tim A. Baker. **SEE ORDER** Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 03/21/2019)
03/21/2019	<u>270</u>	ORDER to Make Inmate Available – via Telephone. Warden of PENDLETON CORRECTIONAL FACILITY ordered to make JAY F. VERMILLION Available – via Telephone for court proceeding on 6/10/2019.. Signed by Magistrate Judge Tim A. Baker on 3/21/2019.(MGG) (Entered: 03/21/2019)
03/25/2019	<u>271</u>	ORDER granting <u>265</u> Motion for Extension of Time to File Final Witness and Exhibit Lists to 3/29/19. Signed by Judge Richard L. Young on 3/25/2019. (JRB) (Entered: 03/25/2019)
03/25/2019	<u>272</u>	ORDER granting <u>266</u> Motion To Exceed Ten Deposition Limit. Signed by Judge Richard L. Young on 3/25/2019. (JRB) (Entered: 03/25/2019)

03/25/2019	<u>273</u>	MOTION for Leave to File <i>Fourth Amended Complaint</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit A – Proposed 4th Amended Complaint, # <u>2</u> Text of Proposed Order)(Filler, Maggie) (Entered: 03/25/2019)
03/25/2019	<u>274</u>	BRIEF/MEMORANDUM in Support re <u>273</u> MOTION for Leave to File <i>Fourth Amended Complaint</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit 1 – Use and Operation of Adult Offender Administrative Segregation, # <u>2</u> Exhibit 2 – Excerpt of Deposition of Douglas Barnes, # <u>3</u> Exhibit 3 – Excerpt of Deposition of Mark Levenhagen, # <u>4</u> Exhibit 4 – Excerpt of Deposition of Sally Nowatzke, # <u>5</u> Exhibit 5 – Letter of Filler to Defense Counsel, # <u>6</u> Exhibit 6 – Plaintiff's 1st Request for Production of Documents, # <u>7</u> Exhibit 7 – Plaintiff's 2d Request for Production of Documents)(Filler, Maggie) (Entered: 03/25/2019)
03/25/2019	<u>275</u>	Unopposed MOTION for Leave to Depose Inmate, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 03/25/2019)
03/25/2019	<u>276</u>	Unopposed MOTION for Leave to Depose Inmate, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 03/25/2019)
03/28/2019	<u>277</u>	ORDER granting <u>275</u> Motion to Depose Inmate – Defendants are granted leave to depose Steven P. Cooper #112852, an inmate at the New Castle Correctional Facility, at a date to be arranged with the facility until such time as the deposition is concluded. Signed by Judge Richard L. Young on 3/28/2019. (JRB) (Entered: 03/28/2019)
03/28/2019	<u>278</u>	ORDER granting <u>276</u> Motion Leave to Depose Inmate – Defendants are granted leave to depose Darius Dodson #905093, an inmate at the Pendleton Correctional Facility, at a date to be arranged with the facility until such time as the deposition is concluded. Signed by Judge Richard L. Young on 3/28/2019. (JRB) (Entered: 03/28/2019)
03/29/2019	<u>279</u>	MOTION for Leave to Depose Inmate, filed by Defendants MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Defendants Leave to Depose Inmate)(Dickmeyer, David) (Entered: 03/29/2019)
03/29/2019	<u>280</u>	Witness List, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 03/29/2019)
03/29/2019	<u>281</u>	Exhibit List, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 03/29/2019)
03/29/2019	<u>282</u>	Witness List, filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 03/29/2019)
03/29/2019	<u>283</u>	Exhibit List, filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 03/29/2019)
03/29/2019	<u>284</u>	Witness List (<i>Amended</i>), filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 03/29/2019)
04/01/2019	<u>285</u>	ORDER granting <u>279</u> Motion for Leave to Depose Inmate – SEE ORDER. Signed by Judge Richard L. Young on 4/1/2019. (JRB) (Entered: 04/01/2019)
04/04/2019	<u>286</u>	MOTION to Require Defendants to Narrow Their Witness List and to Allow Plaintiff to Take Additional Depositions, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 04/04/2019)
04/05/2019	<u>287</u>	RESPONSE in Opposition re <u>286</u> MOTION to Require Defendants to Narrow Their Witness List and to Allow Plaintiff to Take Additional Depositions, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Exhibit 1 – Defendants' Initial Disclosures, # <u>2</u> Text of Proposed Order Denying Plaintiff's Motion [ECF 286])(Guillory, Ryan) (Entered: 04/05/2019)
04/08/2019	<u>288</u>	RESPONSE in Opposition re <u>273</u> MOTION for Leave to File <i>Fourth Amended Complaint</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 04/08/2019)

04/09/2019	<u>289</u>	REPLY in Support of Motion re <u>286</u> MOTION to <i>Require Defendants to Narrow Their Witness List and to Allow Plaintiff to Take Additional Depositions</i> , filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 04/09/2019)
04/15/2019	<u>290</u>	REPLY in Support of Motion re <u>273</u> MOTION for Leave to File <i>Fourth Amended Complaint</i> , filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 04/15/2019)
04/22/2019	<u>291</u>	MOTION for Leave to File <i>Surreply in Opposition to Motion for Leave to File Fourth Amended Complaint</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Surreply, # <u>2</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 04/22/2019)
04/23/2019	<u>292</u>	MOTION for Extension of Time to <i>Serve Expert Disclosures and File Objections</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 04/23/2019)
04/24/2019	<u>293</u>	RESPONSE in Opposition re <u>292</u> MOTION for Extension of Time to <i>Serve Expert Disclosures and File Objections</i> , filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 04/24/2019)
04/26/2019	<u>294</u>	ORDER denying <u>273</u> Motion for Leave to File Fourth Amended Complaint – SEE ORDER. Signed by Judge Richard L. Young on 4/26/2019. (JRB) (Entered: 04/26/2019)
04/30/2019	<u>295</u>	Unopposed MOTION <i>for Plaintiff to Participate in Person at Settlement Conference</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 04/30/2019)
05/01/2019	<u>296</u>	REPLY in Support of Motion re <u>292</u> MOTION for Extension of Time to <i>Serve Expert Disclosures and File Objections</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 05/01/2019)
05/02/2019	<u>297</u>	MARGINAL ENTRY denying Plaintiff's <u>295</u> Motion for Plaintiff to participate in person at the settlement conference. Given that a prior settlement conference was not successful, and that the Court typically does not conduct in-person settlement conferences with parties who are incarcerated the motion is denied. Signed by Magistrate Judge Tim A. Baker on 5/2/2019. (SWM) (Entered: 05/02/2019)
05/03/2019	<u>298</u>	Entry Discussing Pending Motions – Defendants' motion for time to serve expert disclosures and to file objections to expert testimony, dkt <u>292</u> , is granted in part and denied in part. It is for this reason that the motion for time, dkt <u>292</u> , is granted to the limited extent that Defendants shall have through June 5, 2019, to serve expert disclosures directly related to the claim that Plaintiff was denied meaningful, periodic review of his prolonged isolation. Defendants shall also have through July 10, 2019, in which to object to expert testimony. Plaintiff wants the opportunity to depose the named witnesses. Plaintiff's motion, dkt <u>286</u> , is granted consistent with the following. The parties shall have through May 23, 2019, in which to file a list of trial witnesses, by name, who are actually expected to be called to testify at trial. Any unnamed individual will be stricken. The parties shall have through June 24, 2019, in which to depose any witness named on the other parties' list of trial witnesses. SEE ORDER. Signed by Judge Richard L. Young on 5/3/2019. (JRB) (Entered: 05/03/2019)
05/09/2019	<u>299</u>	NOTICE of Joint Memorandum Regarding Pre-Trial Disclosures in Response to Entry Discussing Pending Motions, filed by Plaintiff JAY F. VERMILLION, re <u>298</u> Order on MotionOrder on Motion for Extension of Time to File. (Filler, Maggie) (Entered: 05/09/2019)
05/13/2019	<u>300</u>	AMENDED PRETRIAL SCHEDULE – The final pre-trial conference in this action is scheduled for September 12, 2019, at 9:00 a.m. in Room 349 of the Birch Bayh Federal Building and United States Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204. This action is set for a jury trial on September 23, 2019, at 9:00 a.m. in Room 349 of the Birch Bayh Federal Building and United States Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204. The court has allotted five (5) days for this trial. This matter is set for a settlement conference at 1:30 p.m. on June 10, 2019, room #234,

		United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, before Magistrate Judge Tim A. Baker. Discovery shall be reopened through April 15, 2019. SEE ORDER FOR OTHER DEADLINES. Signed by Judge Richard L. Young on 5/13/2019.(JRB) (Entered: 05/13/2019)
05/13/2019	<u>301</u>	Statement of <i>Defenses</i> by GARY BRENNAN(Director of Op WCU), MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE(Case Counselor WCU). (Dickmeyer, David) (Entered: 05/13/2019)
05/13/2019	<u>302</u>	Statement <i>Plaintiff's Statement of Claims for Proof at Trial</i> by JAY F. VERMILLION. (Filler, Maggie) (Entered: 05/13/2019)
05/23/2019	<u>303</u>	Witness List <i>Plaintiff's Amended Trial Witness List</i> , filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 05/23/2019)
05/23/2019	<u>304</u>	Witness List (<i>Trial</i>), filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 05/23/2019)
06/05/2019	<u>305</u>	Joint MOTION for Extension of Time to <i>File Objections to Expert Testimony</i> , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 06/05/2019)
06/07/2019	<u>306</u>	ORDER – granting <u>305</u> Motion for Extension of Time to File Objections to Expert Testimony. Any party who wishes to limit or preclude expert testimony at trial shall file any such objections on or before June 14, 2019. Signed by Judge Richard L. Young on 6/7/2019. (RSF) (Entered: 06/07/2019)
06/11/2019	<u>307</u>	ORDER ON JUNE 10, 2019, SETTLEMENT CONFERENCE AND ORDER SETTING TELEPHONIC STATUS CONFERENCE – Parties appeared in person and by counsel June 10, 2019, for a settlement conference. Settlement discussions held, but no settlement was reached. The deadline to object to expert witness testimony is enlarged to June 21, 2019. This cause is set for a telephonic status conference at 9 a.m. on June 18, 2019. Parties shall participate in this conference by counsel. The call-in instructions will be issued by separate order. The purpose of this conference is to discuss settlement. Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 06/11/2019)
06/11/2019	<u>308</u>	AMENDED ORDER ON JUNE 10, 2019, SETTLEMENT CONFERENCE AND ORDER SETTING TELEPHONIC STATUS CONFERENCE – Parties appeared in person and by counsel June 10, 2019, for a settlement conference. Settlement discussions held, but no settlement was reached. The deadline to object to expert witness testimony is enlarged to June 21, 2019. This cause is set for a telephonic status conference at 4:30 p.m. on June 18, 2019. Parties shall participate in this conference by counsel. The call-in instructions will be issued by separate order. The purpose of this conference is to discuss settlement. Signed by Magistrate Judge Tim A. Baker on 6/11/2019.(MGG) (Entered: 06/11/2019)
06/19/2019	<u>310</u>	ORDER ON JUNE 18, 2019, TELEPHONIC STATUS CONFERENCE AND ORDER SETTING TELEPHONIC STATUS CONFERENCE – Parties appeared by counsel June 18, 2019, for a telephonic status conference. Discussion was held regarding settlement and related matters. This cause is set for a telephonic status conference at 10 a.m. on July 1, 2019. Parties shall participate in this conference by counsel. The call-in instructions will be issued by separate order. The purpose of this conference is to discuss settlement. Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 06/19/2019)
06/21/2019	<u>311</u>	MOTION to <i>Exclude Expert Witness Robert Morgan from Testifying</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 06/21/2019)
06/21/2019	<u>312</u>	BRIEF/MEMORANDUM in Support re <u>311</u> MOTION to <i>Exclude Expert Witness Robert Morgan from Testifying</i> , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Ex. 1–Morgan Report, # <u>2</u> Ex. 2–Robert Morgan CV, # <u>3</u> Ex. 3–Testimony, Publications, and Compensation, # <u>4</u> Ex. 4–Deposition Transcript, # <u>5</u> Ex. 5–Brazeau Opinion, # <u>6</u> Ex. 6–CCLA Lower Court Opinion, # <u>7</u> Ex. 7–CCLA

		Court of Appeals Opinion, # <u>8</u> Ex. 8–Corrections Today, # <u>9</u> Ex. 9–Correction Today Website (Speak Out Column Description), # <u>10</u> Ex. 10–Morgan Meta–Analysis, # <u>11</u> Ex. 11–Haney, # <u>12</u> Ex. 12–Specialty Guidelines for Forensic Psychology, # <u>13</u> Ex. 13–Kupers Report, # <u>14</u> Ex. 14–Heilburn, et al.,(1990) – An MMPI–based empirical model of malingering and deception, # <u>15</u> Ex. 15–Melton, et al., # <u>16</u> Ex. 16–BCCLA v. Canada (2018), # <u>17</u> Ex. 17–Colorado Study, # <u>18</u> Ex. 18–Smith (2011), # <u>19</u> Ex. 19–Grassian & Kupers, # <u>20</u> Ex. 20–Zinger, et al., [NEW] – (2001) The psychological effects of 60 days in Administrative Segregation, # <u>21</u> Ex. 21–Walters, # <u>22</u> Ex. 22–Ecclestone, # <u>23</u> Ex. 23–Cloyes, # <u>24</u> Ex. 24–Bonta and Gendreau, # <u>25</u> Ex. 25–Heigel)(Filler, Maggie) (Entered: 06/21/2019)
06/21/2019	<u>313</u>	MOTION to Exclude the Testimony of Plaintiff's Expert Witnesses, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 06/21/2019)
06/21/2019	<u>314</u>	BRIEF/MEMORANDUM in Support re <u>313</u> MOTION to Exclude the Testimony of Plaintiff's Expert Witnesses , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Exhibit A – Pacholke Rept, # <u>2</u> Exhibit B – Pacholke Dep, # <u>3</u> Exhibit C – ASCA Guidelines, # <u>4</u> Exhibit D – ACA Expected Practices, # <u>5</u> Exhibit G – Pauls Affidavit)(Dickmeyer, David) (Entered: 06/21/2019)
06/21/2019	<u>315</u>	SEALED Exhibits E and F , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Exhibit E – Kupers Dep, # <u>2</u> Exhibit F – Kupers Rept)(Dickmeyer, David) Modified on 6/24/2019 (JRB). (Entered: 06/21/2019)
06/21/2019	<u>316</u>	MOTION to Maintain Document Under Seal <u>315</u> SEALED MOTION , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 06/21/2019)
06/26/2019	<u>317</u>	Joint MOTION for Extension of Time to File Response to July 9, 2019 re <u>313</u> MOTION to Exclude the Testimony of Plaintiff's Expert Witnesses, <u>311</u> MOTION to Exclude Expert Witness Robert Morgan from Testifying , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 06/26/2019)
07/01/2019	<u>319</u>	NOTICE of Appearance by Marley Genele Hancock on behalf of Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Hancock, Marley) (Entered: 07/01/2019)
07/03/2019	<u>320</u>	ORDER ON JULY 1, 2019, TELEPHONIC STATUS CONFERENCE – Parties appeared by counsel July 1, 2019, for a telephonic status conference. Discussion was held regarding settlement. The parties shall continue their settlement discussions and copy the Magistrate Judge on all settlement correspondence. Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 07/03/2019)
07/05/2019	<u>321</u>	RESPONSE in Opposition re <u>313</u> MOTION to Exclude the Testimony of Plaintiff's Expert Witnesses Dan Pacholke and Terry Kupers, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Ex. 1 Pacholke Report, # <u>2</u> Ex. 2 Dan Pacholke CV, # <u>3</u> Ex. 3 Dan Pacholke Career Highlights, # <u>4</u> Ex. 4 Pacholke Deposition, # <u>5</u> Ex. 5 Vera Report, # <u>6</u> Ex. 6 Levenhagen Deposition, # <u>7</u> Ex. 7 Cold Storage Report, # <u>8</u> Ex. 8 Kupers Report (Filed Under Seal), # <u>9</u> Ex. 9 Terry Kupers CV, # <u>10</u> Ex. 10 Kupers Deposition)(Filler, Maggie) (Entered: 07/05/2019)
07/05/2019	<u>322</u>	SEALED Ex. 8 Kupers Report, filed by Plaintiff JAY F. VERMILLION. (Filler, Maggie) (Entered: 07/05/2019)
07/05/2019	<u>323</u>	MOTION to Seal Document <u>322</u> SEALED Document (Case Participants – doc) Ex. 8 Kupers Report, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Propsed Order)(Filler, Maggie) (Entered: 07/05/2019)
07/09/2019	<u>324</u>	RESPONSE in Opposition re <u>311</u> MOTION to Exclude Expert Witness Robert Morgan from Testifying , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Exhibit 1

		– Meta-Analysis, # <u>2</u> Exhibit 2 – Colorado Study Article, # <u>3</u> Exhibit 3 – Morgan Dep, # <u>4</u> Exhibit 4 – OKeefe Article)(Dickmeyer, David) (Entered: 07/09/2019)
07/12/2019	<u>325</u>	REPLY in Support of Motion re <u>313</u> MOTION to Exclude the Testimony of Plaintiff's Expert Witnesses , filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Dickmeyer, David) (Entered: 07/12/2019)
07/16/2019	<u>326</u>	Entry Concerning Selected Matters – Defendants' motion to maintain the document at docket number 315 under seal, dkt <u>316</u> , is granted. Joint Motion for time, dkt <u>317</u> , is granted. The deadline to respond to the motions to exclude expert testimony was extended through July 9, 2019. Plaintiff's motion to maintain the document at docket number 322 under seal, dkt <u>323</u> , is granted. SEE ORDER. Signed by Judge Richard L. Young on 7/16/2019. (JRB) (Entered: 07/16/2019)
07/16/2019	<u>327</u>	Joint MOTION for Extension of Time to August 19, 2019 for Pretrial Deadlines, filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 07/16/2019)
07/16/2019	<u>328</u>	REPLY in Support of Motion re <u>311</u> MOTION to Exclude Expert Witness Robert Morgan from Testifying , filed by Plaintiff JAY F. VERMILLION. (Attachments: # <u>1</u> Exhibit 1 – Excerpts of Dr. Morgan Deposition)(Filler, Maggie) (Entered: 07/16/2019)
07/19/2019	<u>329</u>	ORDER granting <u>327</u> Motion to Extend Pretrial Deadlines – The Amended Pretrial Schedule <u>300</u> , shall be modified as follows. The date 7/22/19, appearing on page 3, is hereby stricken and replaced with the date 8/19/19. The date 8/2/19, appearing on page 4, is hereby stricken and replaced with the date 8/30/19. Signed by Judge Richard L. Young on 7/19/2019. (JRB) (Entered: 07/19/2019)
08/06/2019	<u>330</u>	MOTION to Withdraw Attorney Appearance of Benjamin M.L. Jones, filed by Defendants GARY BRENNAN, DAWN BUSS, RALPH CARRASCO, MARK E. LEVENHAGEN, BRETT MIZE, HOWARD MORTON, SALLY NOWATZKE, WILLARD PLANK, CHARLES WHELAN. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Benjamin) (Entered: 08/06/2019)
08/07/2019	<u>331</u>	ORDER granting <u>330</u> Motion to Withdraw Attorney Appearance. Attorney Benjamin Myron Lane Jones withdrawn. Signed by Magistrate Judge Tim A. Baker on 8/7/2019. (SWM) (Entered: 08/07/2019)
08/15/2019	<u>332</u>	Joint MOTION for Extension of Time to File Pretrial Documents, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 08/15/2019)
08/16/2019	<u>333</u>	ORDER GRANTING <u>332</u> JOINT MOTION TO EXTEND PRETRIAL DEADLINES. The Amended Pretrial Schedule, Doc. No. <u>300</u> , shall be modified as follows. The date July 22, 2019, appearing on page 3, is hereby stricken and replaced with the date August 26, 2019. Signed by Judge Richard L. Young on 8/16/2019. (RSF) (Entered: 08/16/2019)
08/20/2019	<u>334</u>	Joint MOTION to Vacate Pending Deadlines and Notice of Tentative Settlement, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 08/20/2019)
08/21/2019	<u>335</u>	ORDER granting Parties' <u>334</u> Joint Motion to Vacate Pending Deadlines: The parties have notified the Court that a tentative settlement has been reached, and request that pending deadlines be vacated. All pending deadlines are vacated. The trial and final pretrial conference dates are also vacated. All pending motions are denied, without prejudice, as moot and any remaining matters are stayed, pending the filing of a stipulation of dismissal. Parties shall file a stipulation of dismissal within 28 days. Signed by Magistrate Judge Tim A. Baker on 8/21/2019.(SWM) (Entered: 08/21/2019)
09/09/2019	<u>336</u>	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Jay F. Vermillion. (Attachments: # <u>1</u> Docket Sheet) (CKM) (Entered: 09/09/2019)
09/10/2019	<u>337</u>	Unopposed MOTION for Extension of Time to Finalize Settlement, filed by Defendants GARY BRENNAN, MARK E. LEVENHAGEN, BRETT MIZE, SALLY

		NOWATZKE. (Attachments: # <u>1</u> Text of Proposed Order)(Dickmeyer, David) (Entered: 09/10/2019)
09/12/2019	<u>338</u>	ORDER granting Defendant's <u>337</u> Motion for Extension of Time. The parties shall file a stipulation of dismissal by October 18, 2019 Signed by Magistrate Judge Tim A. Baker on 9/12/2019. (SWM) (Entered: 09/12/2019)
10/18/2019	<u>339</u>	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Maggie E. Filler hereby notifies the Clerk of the court of changed contact information. <i>Change of Attorney Office Address</i> (Filler, Maggie) (Entered: 10/18/2019)
10/18/2019	<u>340</u>	STIPULATION of Dismissal (<i>JOINT</i>), as to Plaintiff JAY F. VERMILLION, filed by JAY F. VERMILLION. (Attachments: # <u>1</u> Text of Proposed Order)(Filler, Maggie) (Entered: 10/18/2019)
10/21/2019	<u>341</u>	ORDER ON STIPULATION OF DISMISSAL – This action is dismissed with prejudice, each party to bear their own fees and costs. Signed by Judge Richard L. Young on 10/21/2019.(JRB) (Entered: 10/21/2019)

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