

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Lafayette)
CIVIL DOCKET FOR CASE #: 4:09-cv-00006-PRC**

Olson v. Brown
Assigned to: Magistrate Judge Paul R Cherry
Case in other court: USCA, 09-02728
Tippecanoe Superior Court 1,
79D01-0901-PL-00001

Date Filed: 01/20/2009
Date Terminated: 08/19/2013
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Cause: 28:1441 Petition for Removal- Civil Rights Act

Plaintiff

Jeffrey Mark Olson
*on his own behalf and on behalf of a class
similarly situated*

represented by **Gavin M Rose**
ACLU of Indiana
1031 E Washington St
Indianapolis, IN 46202
317-635-4059 Ext 106
Fax: 317-635-4105
Email: grose@aclu-in.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth J Falk
ACLU of Indiana
1031 E Washington St
Indianapolis, IN 46202
317-635-4059 Ext 104
Fax: 317-635-4105
Email: kfalk@aclu-in.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Tracy Brown
*in his official capacity as Sheriff of
Tippecanoe County*

represented by **Douglas J Masson**
Hoffman Luhman & Masson PC
200 Main Street Suite C
PO Box 99
Lafayette, IN 47902-0099
765-423-5404
Fax: 765-742-6448
Email: djm@hlblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/02/2009	<u>1</u>	COMPLAINT against Tracy Brown, filed by Jeffrey Mark Olson (filed in Tippecanoe Superior Court 1). (Attachments: # <u>1</u> grievances)(csi) (Entered: 01/21/2009)
01/02/2009	<u>2</u>	MOTION to Certify Class (filed in Tippecanoe Superior Court 1) by Plaintiff Jeffrey Mark Olson. (csi) Modified on 1/23/2009 to edit document # (mlc). (Entered: 01/22/2009)
01/02/2009	<u>3</u>	MEMORANDUM in Support of <u>3</u> MOTION to Certify Class (filed in Tippecanoe Superior Court 1) filed by Jeffrey Mark Olson. (csi) Modified on 1/23/2009 to edit document # (mlc). (Entered: 01/22/2009)

01/20/2009	<u>4</u>	NOTICE OF REMOVAL by Tracy Brown from Tippecanoe Superior Court 1, case number 79D01-0901-PL-00001. (Filing fee \$ 350), filed by Tracy Brown. (Attachments: # <u>1</u> complaint.st court, # <u>2</u> grievances, # <u>3</u> Civil Cover Sheet, # <u>4</u> atty apr.Rose, # <u>5</u> summons)(csi) Modified on 1/23/2009 to edit document # (mlc). (Entered: 01/22/2009)
01/20/2009	<u>5</u>	NOTICE of Appearance by Douglas J Masson on behalf of Tracy Brown (csi) (Entered: 01/22/2009)
01/26/2009	<u>6</u>	NOTICE of Hearing: Telephonic Rule 16 Preliminary Pretrial Conference set for 3/12/2009 09:15 AM CST – Hammond before Magistrate Judge Paul R Cherry w/the Court initiating the conference.(smb) (Entered: 01/26/2009)
01/26/2009	<u>7</u>	MAGISTRATE JUDGE CONSENT FORMS sent to all parties (Standard Track). (smb) (Entered: 01/26/2009)
02/02/2009	<u>8</u>	ANSWER to <u>1</u> Complaint by Tracy Brown.(Masson, Douglas) (Entered: 02/02/2009)
02/17/2009	<u>9</u>	NOTICE by Jeffrey Mark Olson of <i>Tender of Proposed Order Certifying Cause as Class Action</i> (Falk, Kenneth) (Entered: 02/17/2009)
02/17/2009	<u>10</u>	RESPONSE in Opposition re <u>2</u> MOTION to Certify Class filed by Tracy Brown. (Attachments: # <u>1</u> Exhibit DOC Offender Data, # <u>2</u> Exhibit DOC 2008 Jail Inspection, # <u>3</u> Exhibit Jail Mail Policies)(Masson, Douglas) (Entered: 02/17/2009)
02/20/2009	<u>11</u>	REPORT of Rule 26(f) Planning Meeting. (Masson, Douglas) (Entered: 02/20/2009)
02/24/2009	<u>12</u>	REPLY to Response to Motion re <u>2</u> MOTION to Certify Class filed by Jeffrey Mark Olson. (Attachments: # <u>1</u> Exhibit DOC Jail Inspection Report, # <u>2</u> Affidavit Anthony T. Massengill, # <u>3</u> Affidavit Timothy L. Adams, # <u>4</u> Affidavit Cornelius Powell, # <u>5</u> Affidavit Forrest B. Elliott, # <u>6</u> Affidavit Scott Isbell, # <u>7</u> Affidavit Troy Smith, # <u>8</u> Affidavit Timothy Reynolds, # <u>9</u> Affidavit Deon Harris, # <u>10</u> Affidavit Roderick Elam, # <u>11</u> Affidavit Tomaine A. Langham, # <u>12</u> Affidavit Michael Eugene Crank, # <u>13</u> Affidavit Donald W. Anderson, # <u>14</u> Affidavit Adam Troy Shumpert, # <u>15</u> Affidavit Jamaal L. Moore, # <u>16</u> Affidavit Ronald Cheesman, # <u>17</u> Affidavit Carlo Palermo, # <u>18</u> Affidavit Qune Vantrease, # <u>19</u> Affidavit Kenneth Norwood, # <u>20</u> Affidavit Gerald Thomas Schofield, # <u>21</u> Affidavit Nathan Deardurff, # <u>22</u> Affidavit Edward Alan Luman, Sr., # <u>23</u> Affidavit Rami Wahood, # <u>24</u> Affidavit Mark O'Connor, # <u>25</u> Affidavit Jonathon W. Haniton, # <u>26</u> Affidavit Cortney Michael Hayenga, # <u>27</u> Affidavit William M. Harrison)(Rose, Gavin) (Entered: 02/24/2009)
02/26/2009	<u>13</u>	MOTION Permit Ex Parte Communication with Putative Class Members by Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 02/26/2009)
02/26/2009	<u>14</u>	MEMORANDUM in Support of <u>13</u> MOTION Permit Ex Parte Communication with Putative Class Members filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 02/26/2009)
02/27/2009		NOTICE: Motions <u>02</u> and <u>13</u> are set for Oral Argument for 3/18/2009 at 2:00 PM (EST) in the first floor courtroom in US District Court – in SOUTH BEND before Judge Allen Sharp. This is a text-only entry with no order to follow. (saj) (Entered: 02/27/2009)
03/04/2009		AMENDED NOTICE: The Motion Hearing set for 3/18/2009 at 2:00 PM in the first floor courtroom in US District Court – South Bend before Judge Allen Sharp is only concerning the <u>2</u> Motion to Certify Class. This is a text-only entry with no order to follow. (saj) (Entered: 03/04/2009)
03/06/2009	<u>15</u>	RESPONSE in Opposition re <u>13</u> MOTION Permit Ex Parte Communication with Putative Class Members filed by Tracy Brown. (Attachments: # <u>1</u> Exhibit Attorney Correspondence)(Masson, Douglas) (Entered: 03/06/2009)
03/10/2009	<u>16</u>	MOTION for Leave to File <i>Additional Evidentiary Material in Support of Motion for Class Certification</i> by Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Affidavit Jeffrey Mark Olson, # <u>2</u> Affidavit Thomas Bray, # <u>3</u> Affidavit James Johnson, # <u>4</u> Affidavit Curt Matthew Howard, # <u>5</u> Affidavit Jason G. Patterson, # <u>6</u> Affidavit

		Justin Paul Stetler, # <u>7</u> Affidavit Alfonso Calderson, # <u>8</u> Affidavit Moses Campos)(Rose, Gavin) (Entered: 03/10/2009)
03/12/2009	<u>22</u>	RULE 16 PRELIMINARY PRETRIAL CONFERENCE held teleph 3/12/2009 before Magistrate Judge Paul R Cherry. Pla appeared by atty Gavin Rose. Dft appeared by atty Doug Masson. Planning Meeting Report <u>11</u> approved. All dates/dtl through close of discovery are adopted herein. Any amendments to the pleadings to be filed by 7/1/2009. Discovery deadline is 12/31/2009. Expert Discovery deadline is 12/31/2009 Plaintiff expert witness disclosures and reports to be delivered to the defendant by 9/1/2009. Defendant expert witness disclosures and reports to be delivered to the plaintiff by 10/1/2009. Initial Disclosures to be exchanged by 4/20/2009. All other dates/dtl to be set by District Court upon conclusion of discovery. Magistrate Consent forms ddl extended to 4/6/2009. (#FTR.) (smb) (Entered: 03/18/2009)
03/13/2009	<u>17</u>	REPLY to Response to Motion re <u>13</u> MOTION Permit Ex Parte Communication with Putative Class Members filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 03/13/2009)
03/13/2009	<u>18</u>	STIPULATION of Fact by Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 03/13/2009)
03/13/2009	<u>19</u>	MOTION for Judgment on the Pleadings by Defendant Tracy Brown. (Masson, Douglas) (Entered: 03/13/2009)
03/13/2009	<u>20</u>	MEMORANDUM in Support of <u>19</u> MOTION for Judgment on the Pleadings filed by Tracy Brown. (Masson, Douglas) (Entered: 03/13/2009)
03/18/2009	<u>21</u>	MOTION HEARING held on 3/18/2009 re <u>2</u> MOTION to Certify Class filed by Jeffrey Mark Olson before Judge Allen Sharp. Pltf appeared by atty Rose. Deft appeared by atty Masson. Court heard argument from counsel. Court reserves ruling on the Motion to Certify Class <u>2</u> until the court has ruled on the <u>19</u> Motion for Judgment on the pleadings (when it is ripe). 1:58-2:45 (Court Reporter Hoffman) (saj) (Entered: 03/18/2009)
03/19/2009	<u>23</u>	MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Judgment on the Pleadings (<i>Unopposed</i>) by Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 03/19/2009)
03/20/2009	<u>24</u>	ORDER granting <u>23</u> Motion for Extension of Time to File Response in Opposition to Motion for Judgment on the Pleadings. Response to be filed by 4/30/2009. Signed by Magistrate Judge Paul R Cherry on 3/20/09. (csi) (Entered: 03/20/2009)
03/23/2009	<u>25</u>	ORDER granting <u>13</u> Motion to permit Ex Parte Contact with Putative Class Members and Orders that Plaintiff shall be permitted to contact, ex parte, members of the putative class through the mailing of a questionnaire prepared by Plaintiff's counsel that (a) seeks information regarding the disputed practices or policies at issue in the instant matter and (b) is to be returned directly to Plaintiff's counsel. Signed by Magistrate Judge Paul R Cherry on 3/23/09. (csi) (Entered: 03/24/2009)
03/31/2009	<u>26</u>	ORDER granting <u>16</u> Motion for Leave to Submit Additional Evidentiary Material in Support of Motion for Class Certification. Plaintiffs to file the add'l evidentiary material, currently docketed as attachments to the instand Motion, in support of their Motion for Class Certification by 4/3/09. Signed by Magistrate Judge Paul R Cherry on 3/31/09. (csi) (Entered: 03/31/2009)
04/03/2009	<u>27</u>	NOTICE by Jeffrey Mark Olson re <u>26</u> Order on Motion for Leave to File, <i>Notice of Filing of Additional Evidentiary Material</i> (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Affidavit)(Rose, Gavin) (Entered: 04/03/2009)
04/27/2009	<u>28</u>	RESPONSE in Opposition re <u>19</u> MOTION for Judgment on the Pleadings filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 04/27/2009)
04/27/2009	<u>29</u>	Second MOTION for Leave to File <i>Additional Evidentiary Material in Support of Class Motion</i> by Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Affidavit, # <u>9</u> Affidavit, # <u>10</u> Affidavit, # <u>11</u> Affidavit, # <u>12</u> Affidavit, # <u>13</u>

		Affidavit, # <u>14</u> Affidavit, # <u>15</u> Affidavit, # <u>16</u> Affidavit, # <u>17</u> Affidavit, # <u>18</u> Affidavit, # <u>19</u> Affidavit, # <u>20</u> Affidavit)(Rose, Gavin) (Entered: 04/27/2009)
04/28/2009	<u>30</u>	ORDER granting <u>29</u> Motion for Leave to Submit Additional Evidentiary Material in Support of Motion for Class Certification (DE29) and ORDERS plaintiffs to file the additional evidentiary material, currently docketed as attachments to the instant Motion, in support of their Motion for Class Certification, by May 1, 2009. Signed by Magistrate Judge Paul R Cherry on 4/28/09. (csi) (Entered: 04/28/2009)
05/01/2009	<u>31</u>	NOTICE by Jeffrey Mark Olson re <u>30</u> Order on Motion for Leave to File, <i>Filing of Additional Evidentiary Material (2d)</i> (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Affidavit, # <u>8</u> Affidavit, # <u>9</u> Affidavit, # <u>10</u> Affidavit, # <u>11</u> Affidavit, # <u>12</u> Affidavit, # <u>13</u> Affidavit, # <u>14</u> Affidavit, # <u>15</u> Affidavit, # <u>16</u> Affidavit, # <u>17</u> Affidavit, # <u>18</u> Affidavit, # <u>19</u> Affidavit, # <u>20</u> Affidavit)(Rose, Gavin) (Entered: 05/01/2009)
05/04/2009	<u>32</u>	REPLY to Response to Motion re <u>19</u> MOTION for Judgment on the Pleadings filed by Tracy Brown. (Masson, Douglas) (Entered: 05/04/2009)
05/22/2009	<u>33</u>	NOTICE by Jeffrey Mark Olson of <i>Change in Attorney Contact Information</i> (Rose, Gavin) (Entered: 05/22/2009)
06/12/2009	<u>34</u>	MOTION to Stay <i>Deadlines Pending Decision on Motion for Judgment on the Pleadings (Unopposed)</i> by Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 06/12/2009)
06/15/2009	<u>35</u>	ORDER granting <u>34</u> Motion to Stay Case Management Deadlines Pending Decision on Defendant's Motion for Judgment on the Pleadings. Stays the case management deadlines and vacates all hearings in this matter, to be reset by telephonic conference at later date, pending resolution of Deft's Motion for Judgment on the pleadings. Signed by Magistrate Judge Paul R Cherry on 6/15/09. (csi) (Entered: 06/16/2009)
06/22/2009	<u>36</u>	MEMORANDUM OPINION AND ORDER granting <u>19</u> Motion for Judgment on the Pleadings, as this case is deemed moot and is dismissed without prejudice. Each party to bear its own costs. Signed by Judge Allen Sharp on 6/22/09. (csi) (Entered: 06/23/2009)
06/23/2009	<u>37</u>	CLERK'S ENTRY OF JUDGMENT. (csi) (Entered: 06/23/2009)
07/07/2009	<u>38</u>	NOTICE OF APPEAL as to <u>37</u> Clerks Judgment, <u>36</u> Order on Motion for Judgment on the Pleadings by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 07/07/2009)
07/07/2009	<u>39</u>	Docketing Statement re: <u>38</u> Notice of Appeal filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 07/07/2009)
07/08/2009	40	USCA Appeal Fees in the amount of \$ 455, receipt number 4142305 re <u>38</u> The Notice of Appeal filing fee was paid on *7/8/09*. edited text(csi) Modified on 7/8/2009 (csi). (Entered: 07/08/2009)
07/08/2009	<u>41</u>	Short Record Sent to US Court of Appeals re <u>38</u> Notice of Appeal (csi) (Entered: 07/08/2009)
07/08/2009	<u>42</u>	USCA Case Number 09-2728 for <u>38</u> Notice of Appeal filed by Jeffrey Mark Olson. (csi) (Entered: 07/09/2009)
07/09/2009	<u>43</u>	TRANSCRIPT REQUEST by Jeffrey Mark Olson re <u>38</u> Notice of Appeal (Rose, Gavin) (Entered: 07/09/2009)
07/14/2009	<u>44</u>	DESIGNATION of Record on Appeal by Jeffrey Mark Olson re <u>38</u> Notice of Appeal (Attachments: # <u>1</u> Exhibit Designated Record Documents)(Rose, Gavin) (Entered: 07/14/2009)
07/30/2009	<u>45</u>	TRANSCRIPT REQUEST. No transcript ordered by Jeffrey Mark Olson. (smp) (Entered: 07/31/2009)
08/04/2009	<u>46</u>	TRANSCRIPT REQUEST by Tracy Brown for proceedings held on March 18, 2009 before Judge Judge Sharp, re <u>38</u> Notice of Appeal Transcript due by

		9/4/2009. (Masson, Douglas) (Entered: 08/04/2009)
08/12/2009	<u>47</u>	<p>TRANSCRIPT of Oral Argument held on 3/18/2009, before Judge Allen Sharp. Court Reporter Joanne Hoffman, Telephone number 574-246-8038. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>IMPORTANT: Notice is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above matter. The parties have 7 calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. Within 21 days of the filing of the transcript, a Redaction Request – Transcript shall be e-filed with the Court. Access to this request will be restricted to the Court and attorneys of record in the case. If no such Notice and Redaction Request are filed, the transcript may be made remotely, electronically available to the public without redaction. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the Court Reporter. Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk and Court Reporter will not review each transcript for compliance with this rule.</p> <p>Notice of Intent to Redact due 8/24/2009. Redaction Request due 9/2/2009. Redacted Transcript Deadline set for 9/14/2009. Release of Transcript Restriction set for 11/10/2009. (ksc) (Entered: 08/13/2009)</p>
10/06/2009	<u>48</u>	Letter from 7th Circuit Court of Appeals requesting record on appeal. (csi) (Entered: 10/06/2009)
10/06/2009	<u>49</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>38</u> Notice of Appeal (csi) (Additional attachment(s) added on 10/6/2009: # <u>1</u> Main Document) (csi). (Entered: 10/06/2009)
10/07/2009	<u>50</u>	RECEIPT by USCA of appeal record 1 vol pleadings, 1 vol transcripts. (mlc) (Entered: 10/08/2009)
02/26/2010	<u>51</u>	MANDATE, FINAL JUDGMENT and BILL OF COSTS of USCA as to <u>38</u> Notice of Appeal filed by Jeffrey Mark Olson; Reversing with costs the District Court's dismissal of the complaint as moot. Remanded for consideration of the plaintiff's motion for class certification and defendant's motion for dismissal for failure to state a claim. No record to be returned. (mlc) (Entered: 03/01/2010)
03/04/2010	<u>52</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Philip P Simon for all further proceedings. Judge Allen Sharp no longer assigned to case, Case reopened. This matter has been remanded by the United States Court of Appeals for the Seventh Circuit for further proceedings. In view of the death of Judge Allen Sharp, and in accordance with Local Rule 40.1(f), the Clerk shall randomly assign a new district judge to preside in this case. copy of order sent to Jeffery Mark Olson. Signed by Judge Philip P Simon on 3/4/10. (csi) (Entered: 03/04/2010)
03/24/2010	<u>53</u>	MOTION for Leave to File <i>Supplemental Affidavit of Jeffrey Mark Olson (in Supp. of Mot. for Class Certification)</i> by Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Affidavit Exh. 56 (Supp. Aff. of Jeffrey Mark Olson))(Rose, Gavin) (Entered: 03/24/2010)
03/25/2010	<u>54</u>	ORDER granting <u>53</u> Motion for Leave to submit supplemental affidavit of Jeffrey Mark Olson in support of motion for Class Certification. The Court orders Plaintiffs to file their Supplemental Affidavit of Jeffrey Mark Olson, which is currently docketed as an attachment to the instant Motion, by 4/1/10. Signed by Magistrate Judge Paul R Cherry on 3/25/10. (csi) (Entered: 03/25/2010)
03/25/2010	<u>55</u>	NOTICE by Jeffrey Mark Olson re <u>54</u> Order on Motion for Leave to File, <i>Notice of Filing Supplemental Affidavit of Jeffrey Mark Olson</i> (Attachments: # <u>1</u> Affidavit (Supplemental Affidavit of Jeffrey Mark Olson))(Rose, Gavin) (Entered: 03/25/2010)

04/29/2010	<u>56</u>	NOTICE by Tracy Brown <i>of filing of Petition for Certiorari with the U.S. Supreme Court</i> (Attachments: # <u>1</u> Exhibit Petition for Certiorari)(Masson, Douglas) (Entered: 04/29/2010)
06/03/2010	<u>57</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Jon E DeGuilio for all further proceedings. Chief Judge Philip P Simon no longer assigned to case. Signed by Chief Judge Philip P Simon on 6/3/10. (jld) (Entered: 06/03/2010)
06/25/2010	<u>58</u>	NOTICE by Jeffrey Mark Olson re <u>56</u> Notice (Other) <i>Regarding Petition for Writ of Certiorari</i> (Rose, Gavin) (Entered: 06/25/2010)
08/03/2010		NOTICE: Based on the 7th Circuit Court of Appeals Opinion, this case is set for a Status Conference on 9/2/2010 at 11:00 AM (EST) in the first floor courtroom of the US District Court in South Bend before Judge Jon E DeGuilio. (saj) (Entered: 08/03/2010)
09/02/2010	<u>59</u>	STATUS CONFERENCE held on 9/2/2010 before Judge Jon E DeGuilio. Pla appeared by atty Rose. Dft appeared by atty Masson. Court heard from counsel. The parties are to refile their briefs/motions by 10/4/2010. The responses thereto are due by 10/19/2010. 10:49–11:00 (Court Reporter Spromberg) (saj) (Entered: 09/02/2010)
10/01/2010	<u>60</u>	MEMORANDUM in Support of <u>2</u> MOTION to Certify Class (<i>Supplemental Memorandum</i>) filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 10/01/2010)
10/04/2010	<u>61</u>	MEMORANDUM in Support of <u>19</u> MOTION for Judgment on the Pleadings filed by Tracy Brown. (Masson, Douglas) (Entered: 10/04/2010)
10/15/2010	<u>62</u>	RESPONSE in Opposition re <u>19</u> MOTION for Judgment on the Pleadings (<i>Supplemental Response</i>) filed by Jeffrey Mark Olson. (Rose, Gavin) (Entered: 10/15/2010)
10/19/2010	<u>63</u>	RESPONSE in Opposition re <u>2</u> MOTION to Certify Class <i>Second Response</i> filed by Tracy Brown. (Attachments: # <u>1</u> Affidavit Affidavit of Denise Saxton)(Masson, Douglas) (Entered: 10/19/2010)
06/24/2011	<u>64</u>	SUPPLEMENT to <u>63</u> Response in Opposition to Motion <i>Designation of Additional Authority</i> filed by Tracy Brown. (Masson, Douglas) (Entered: 06/24/2011)
07/08/2011	<u>65</u>	MOTION for Leave to File <i>Short Response to Sheriff's Designation of Additional Authority Concerning Motion for Class Certification (Doc. 64)</i> by Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Exhibit Response Brief to Sheriff's Designation)(Rose, Gavin) (Entered: 07/08/2011)
07/11/2011		NOTICE TO COUNSEL: Any response to the <u>65</u> Motion for Leave to File Short Response should be filed by 7/15/2011. No reply is necessary. This is a text-only entry. (saj) (Entered: 07/11/2011)
07/20/2011	<u>66</u>	ORDER granting <u>65</u> Motion for Leave to File a Short Response to the Defendant's Designation of Additional Authority Concerning Class Certification. Plaintiff's Response is DEEMED filed as of today's date and the Defendant has seven calendar days in which to file any reply. Signed by Judge Jon E DeGuilio on 07/20/11. (ksp) (Entered: 07/20/2011)
07/20/2011	<u>67</u>	RESPONSE to Sheriff's Designation of Additional Authority Concerning Motion for Class Certification by Jeffrey Mark Olson to <u>64</u> Supplement. (ksp) (Entered: 07/20/2011)
07/26/2011	<u>68</u>	REPLY to Response to Motion re <u>2</u> MOTION to Certify Class <i>Designation of Supplemental Authority</i> filed by Tracy Brown. (Masson, Douglas) (Entered: 07/26/2011)
07/25/2012	<u>69</u>	OPINION AND ORDER. The Court GRANTS in part and DENYS in part Mr. Olson's Motion to Certify Class; ORDERS that this case be certified as a class action with the class and subclass defined as stated in Section II.B.5, supra; APPOINTS Gavin Rose and Kenneth Falk as class counsel; and, DIRECTS class counsel to provide notice of this certification to each individual member of the class who can be identified through reasonable effort. Finally, because Mr. Olson's standing in this case is contingent on class certification, the Court DISMISSES AS

		MOOT any claims not certified for class treatment. Signed by Judge Jon E DeGuilio on 07/25/12. (ksp) (Entered: 07/25/2012)
07/25/2012	<u>70</u>	OPINION AND ORDER. The Court GRANTS IN PART AND DENIES IN PART the Defendant's motion for judgment on the pleadings. Signed by Judge Jon E DeGuilio on 07/25/12. (ksp) (Entered: 07/25/2012)
08/28/2012	<u>71</u>	USCA ORDER in Case No. 12-8031: Defendant Tracy Brown's Petition for Permission to Appeal Class Certification Order is DENIED. Dated 08/27/12(ksp) (Entered: 08/28/2012)
09/13/2012	72	NOTICE of Hearing: Telephonic Status/Scheduling Conference set for 10/10/2012 11:00 AM Central before Magistrate Judge Paul R Cherry w/the Court initiating the schedule. The Court invites party(s) to file a joint proposed scheduling plan if applicable at least 24 hrs in advance. (smb) (Entered: 09/13/2012)
10/05/2012	<u>73</u>	REPORT of Rule 26(f) Planning Meeting. (Masson, Douglas) (Entered: 10/05/2012)
10/10/2012	74	SCHEDULING CONFERENCE held by teleph 10/10/2012 before Magistrate Judge Paul R Cherry. Pla appeared by atty Gavin Rose. Dft appeared by atty Douglas Masson. All dates/ddl in Joint Report <u>73</u> through close of discovery are adopted and incorporated herien. Any motion for leave to amend pleadings to be filed by 1/1/2013. Discovery deadline is 9/1/2013. Expert Discovery deadline is 9/1/2013. Defendant expert witness disclosures and reports to be delivered to the plaintiff by 7/1/2013. Plaintiff expert witness disclosures and reports to be delivered to the defendant by 6/1/2013. Initial Disclosures to be exchanged by 12/4/2012. The summary judgment ddl in FRCP 56 shall not apply. All other dates/ddl to be set by the presiding trial judge at later date. (Tape #FTR.) (smb) (Entered: 10/15/2012)
10/10/2012		***Deadlines/Hearings terminated. (mlc) (Entered: 10/16/2012)
11/29/2012	<u>75</u>	Joint MOTION to Stay <i>Case Management Deadlines Pending Potential Settlement</i> by Defendant Tracy Brown, Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 11/29/2012)
12/05/2012	<u>76</u>	ORDER granting <u>75</u> Joint Motion to Stay Case Management Deadlines Pending Potential Settlement. This case is STAYED through 3/7/2013. Telephonic Status Conference set for 3/7/2013 at 09:30 AM in US District Court – Hammond before Magistrate Judge Paul R Cherry. The Court VACATES all deadlines in this matter, to be reset by telephonic conference, if necessary. Signed by Magistrate Judge Paul R Cherry on 12/05/12. (ksp) (Entered: 12/05/2012)
12/05/2012		***Deadlines/Hearings terminated. (ksp) (Entered: 12/05/2012)
03/07/2013	77	TELEPHONIC STATUS CONFERENCE held 3/7/2013 before Magistrate Judge Paul R Cherry. Pla appeared by atty Gavin Rose. Dft appeared by atty Douglas Masson. Class action settlement reached. The Court having been orally advised that the parties consent to the jurisdiction of the magistrate judge, the court will accept this notification as if they had executed the appropriate written form. The Court will reserve 7/17/2013 9:00 AM Central for the Class Action Fairness Hearing to be held before Magistrate Judge Paul R Cherry. If the hearing is uncontested the Court will conduct the hearing telephonically. (Tape #FTR.) (smb) (Entered: 03/08/2013)
03/07/2013	78	NOTICE OF REASSIGNMENT OF CASE TO MAGISTRATE JUDGE: The parties having orally consented pursuant to 28 U.S.C. Section 636(c), this case is referred to Magistrate Judge Paul R Cherry for all purposes and is reassigned pursuant to General Order 2007-10 from Magistrate Judge Paul R Cherry and Judge Jon E DeGuilio to Magistrate Judge Paul R Cherry. (smb) (Entered: 03/08/2013)
03/11/2013	<u>79</u>	ORDER setting telephonic preliminary class action settlement approval hearing. Hearing set for 5/16/2013 at 10:30 AM in US District Court – Hammond before Magistrate Judge Paul R Cherry. The Court ORDERS the parties to file a joint motion for preliminary class action settlement approval, with the proposed settlement agreement attached as an exhibit, on or before 5/13/13. See Order for

		additional rulings. Signed by Magistrate Judge Paul R Cherry on 03/11/13. (ksp) (Entered: 03/11/2013)
05/07/2013	<u>80</u>	STIPULATION to Enter Private Settlement Agreement Following Notice to the Class by Defendant Tracy Brown, Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Exhibit Proposed Private Settlement Agreement)(Rose, Gavin) (Entered: 05/07/2013)
05/07/2013	<u>81</u>	Consent MOTION Approve Form and Manner of Notice to the Class by Plaintiff Jeffrey Mark Olson. (Attachments: # <u>1</u> Exhibit Class Notice)(Rose, Gavin) (Entered: 05/07/2013)
05/16/2013	<u>82</u>	TELEPHONE CONFERENCE/PRELIMINARY APPROVAL HEARING held on 5/16/2013 before Magistrate Judge Paul R Cherry. Pla appeared by atty Gavin Rose. Dft appeared by atty Douglas Masson. Comments presented. The Court will grant DE <u>80</u> and <u>81</u> by separate order. The Court confirms the 7/17/2013 9:00 AM for Class Action Fairness Hearing to be conducted telephonically if uncontested. (Tape #FTR.) (smb) (Entered: 05/17/2013)
05/16/2013	<u>83</u>	ORDER granting <u>80</u> Stipulation to Enter Private Settlement Agreement and Notice to Class; granting <u>81</u> Motion to Approve Form and Manner of Notice of Class. Defendant shall effect class notice in the manner described in the Motion. Signed by Magistrate Judge Paul R Cherry on 5/16/2013. (smb) Modified to correct signature date on 5/21/2013 (tc). (Entered: 05/17/2013)
07/05/2013	<u>84</u>	REPORT by Jeffrey Mark Olson <i>oc Class Counsel and Request that Proposed Settlement Agreement Be Deemed Appropriate Following Fairness Hearing.</i> (Attachments: # <u>1</u> Exhibit 1 (Letter from Class Members), # <u>2</u> Exhibit 2 (Letter from Class Member))(Rose, Gavin) (Entered: 07/05/2013)
07/17/2013	<u>85</u>	FAIRNESS/APPROVAL HEARING held on 7/17/2013 before Magistrate Judge Paul R Cherry. Pla appeared by atty Gavin Rose. Dft appeared by atty Douglas Masson. Court finds that the settlement reached in this case is reasonable and the settlement is approved. Proposed Preliminary Final Approval order to be submitted to cherry_chambers@innd.uscourts.gov. (Tape #FTR.) (smb) (Entered: 07/18/2013)
07/19/2013	<u>86</u>	ORDER Finding Private Settlement Agreement to be Fair, Reasonable, and Adequate <u>84</u> Report, filed by Jeffrey Mark Olson. (see order for further details) Signed by Magistrate Judge Paul R Cherry on 7/19/13. (mlc) (Entered: 07/19/2013)
08/06/2013	<u>87</u>	NOTICE by Jeffrey Mark Olson <i>of Class Counsel</i> (Rose, Gavin) (Entered: 08/06/2013)
08/09/2013	<u>88</u>	MOTION to Dismiss <i>with Prejudice</i> by Plaintiff Jeffrey Mark Olson. (Rose, Gavin) (Entered: 08/09/2013)
08/09/2013	<u>89</u>	ORDER denying without prejudice <u>88</u> Motion to Dismiss. Signed by Magistrate Judge Paul R Cherry on 08/09/13. (ksp) (Entered: 08/09/2013)
08/12/2013	<u>90</u>	STIPULATION to Dismiss by Plaintiff Jeffrey Mark Olson, Defendant Tracy Brown. (Rose, Gavin) (Entered: 08/12/2013)
08/19/2013	<u>91</u>	ORDER granting <u>90</u> Stipulation to Dismiss. This matter is DISMISSED with prejudice. Signed by Magistrate Judge Paul R Cherry on 08/19/13. (ksp) (Entered: 08/19/2013)