

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:15-cv-00402-TLS-SLC**

Wilson v. Allen County et al
Assigned to: Chief Judge Theresa L Springmann
Referred to: Magistrate Judge Susan L Collins
Cause: 42:1983 Civil Rights Act

Date Filed: 12/31/2015
Date Terminated: 04/01/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Mediator

Daniel J Sigler

Plaintiff

Calvin Wilson
*individually and on behalf of all others
similarly situated*

represented by **Christopher C Myers**
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TERMINATED: 07/23/2019

Skyler B Spurling–Newsome
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TERMINATED: 09/27/2017

Plaintiff

David Blume
*individually and on behalf of all others
similarly situated*
TERMINATED: 08/29/2017

represented by **David W Frank**
(See above for address)
TERMINATED: 08/29/2017

Skyler B Spurling–Newsome
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TERMINATED: 08/29/2017

Plaintiff

Asia Marshall
*individually and on behalf of all others
similarly situated*
TERMINATED: 02/05/2020

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David W Frank
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Skylar B Spurling–Newsome
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TERMINATED: 09/27/2017

V.

Defendant

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TERMINATED: 08/19/2016

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TERMINATED: 08/19/2016

Defendant

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James P Posey
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Defendant

Allen County Public Defender Board

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James P Posey
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Date Filed	#	Docket Text
12/31/2015	<u>1</u>	COMPLAINT with JURY DEMAND against All Defendants, filed by Calvin Wilson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons, # <u>7</u> Proposed Summons, # <u>8</u> Proposed Summons, # <u>9</u> Exhibit USM Form, # <u>10</u> Exhibit USM Form, # <u>11</u> Exhibit USM Form, # <u>12</u> Exhibit USM Form, # <u>13</u> Civil Cover Sheet)(Frank, David) (Entered: 12/31/2015)
12/31/2015	<u>2</u>	MOTION for Leave to Proceed in forma pauperis accompanied by 4 copies of summons forms and 4 copies of USM-285 forms by Plaintiff Calvin Wilson. (Frank, David) (Entered: 12/31/2015)
01/04/2016		Chief Judge Philip P Simon and Magistrate Judge Susan L Collins added. NEW CASE, MOTION PENDING. (kjp) (Entered: 01/04/2016)
01/06/2016	<u>3</u>	ORDER GRANTING <u>2</u> Motion for Leave to Proceed in forma pauperis; WAIVING the filing fee; and DIRECTING, pursuant to 28:1915(d), the USMS to effect service of process on the defendants. Signed by Chief Judge Philip P Simon on 1/6/2016. (lhc)(cc: USMS) (Entered: 01/06/2016)
01/06/2016	<u>4</u>	Summons Issued as to Allen County, Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. NOTE: The attached document is accessible by court personnel only. Summons forms that were electronically submitted to the court for issuance will be returned to counsel via e-mail. (lhc)(cc: USMS) (Entered: 01/06/2016)
02/03/2016	<u>5</u>	SUMMONS Returned Executed by USM obo Calvin Wilson. Allen County served on 1/15/2016, answer due 2/5/2016. (cer) (Entered: 02/03/2016)
02/03/2016	<u>6</u>	SUMMONS Returned Executed by USM obo Calvin Wilson. Allen County Council served on 1/15/2016, answer due 2/5/2016. (cer) (Entered: 02/03/2016)
02/03/2016	<u>7</u>	SUMMONS Returned Executed by USM obo Calvin Wilson. Allen County Public Defender Board served on 1/15/2016, answer due 2/5/2016. (cer) (Entered: 02/03/2016)

		02/03/2016)
02/03/2016	<u>8</u>	SUMMONS Returned Executed by USM obo Calvin Wilson. Allen County Board of Commissioners served on 1/15/2016, answer due 2/5/2016. (cer) (Entered: 02/03/2016)
02/03/2016	<u>9</u>	First MOTION to Amend/Correct <u>1</u> Complaint, by Plaintiff Calvin Wilson. (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Exhibit IFP – Class Plaintiff Blume)(Frank, David) (Entered: 02/03/2016)
02/09/2016	<u>10</u>	NOTICE of Appearance by Laura L Maser on behalf of Allen County, Allen County Board of Commissioners (Maser, Laura) (Entered: 02/09/2016)
02/09/2016	<u>11</u>	NOTICE of Appearance by J Spencer Feighner on behalf of Allen County Public Defender Board (Feighner, J) (Entered: 02/09/2016)
02/09/2016	<u>12</u>	NOTICE of Appearance by John O Feighner on behalf of Allen County Public Defender Board (Feighner, John) (Entered: 02/09/2016)
02/09/2016	<u>13</u>	NOTICE of Appearance by James P Posey on behalf of Allen County Council (Posey, James) (Entered: 02/09/2016)
02/10/2016	<u>14</u>	NOTICE of Hearing: Telephonic Rule 16 Preliminary Pretrial Conference set for 3/14/2016 10:30 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Court to initiate call.(mr) (Entered: 02/10/2016)
02/10/2016	<u>15</u>	MAGISTRATE JUDGE CONSENT FORMS sent to all parties (Standard Track). (mr) (Entered: 02/10/2016)
02/10/2016	<u>16</u>	Joint MOTION for Extension of Time to File Answer by Defendant Allen County Public Defender Board. (Feighner, J) (Entered: 02/10/2016)
02/10/2016	<u>17</u>	ENTRY for Magistrate Judge Susan Collins: The unopposed <u>16</u> Agreed Motion for Extension of Time is granted. Dfts granted to and including 3/28/2016 to file their responses to Pla's <u>1</u> Complaint. So Ordered. (mr) (Entered: 02/10/2016)
02/23/2016	<u>18</u>	ORDER granting in part and denying in part <u>9</u> Motion to Amend: it is GRANTED in that the Clerk is DIRECTED to show Plaintiffs First Amended Complaint (DE 9–1) filed; Plaintiffs request to remove the jury demand is DENIED without prejudice. Signed by Magistrate Judge Susan L Collins on 2/23/16. (mc) (Entered: 02/23/2016)
02/23/2016	<u>19</u>	FIRST AMENDED COMPLAINT against Allen County, Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board, filed by Calvin Wilson.(mc) (Entered: 02/23/2016)
03/10/2016	<u>20</u>	REPORT of Rule 26(f) Planning Meeting. (Posey, James) (Entered: 03/10/2016)
03/14/2016	<u>21</u>	TELEPHONIC RULE 16 PRELIMINARY PRETRIAL CONFERENCE held on 3/14/2016 before Magistrate Judge Susan L Collins. Pla appeared by atty David Frank. Dfts appeared by attys Laura Maser, James Posey and Spencer Feighner. The <u>20</u> Report of the Parties Planning Meeting is approved in all respects (except dispositive motions deadline and establishment of a trial date) and is hereby made an ORDER of the Court. The Summary Judgment deadline in Fed.R.Civ.P. 56(b) SHALL NOT control. Any dispositive motion SHALL brief out in accordance with L.R. 56–1. DISCOVERY DEADLINE is 2/20/2017. Following the close of discovery, unless otherwise ordered by the Court, the assigned District Judge will establish all further deadlines and dates. Daniel Sigler appointed as Mediator. Atty Posey to notify Mediator by letter, copy to Attys Frank, Maser and Feighner. Results of the Mediation shall be filed with the Court no later than 10 days before the Final Pretrial Conference. Magistrate Consent forms due by 4/4/2016. (FTR 1st floor.) (mr) (Entered: 03/14/2016)
03/28/2016	<u>22</u>	ANSWER to <u>19</u> Amended Complaint by Allen County, Allen County Board of Commissioners.(Maser, Laura) (Entered: 03/28/2016)
03/28/2016	<u>23</u>	<i>Defendant Allen County Council's</i> ANSWER to <u>19</u> Amended Complaint by Allen County Council.(Posey, James) (Entered: 03/28/2016)

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03/28/2016	<u>24</u>	ANSWER to <u>19</u> Amended Complaint by Allen County Public Defender Board.(Feighner, J) (Entered: 03/28/2016)
04/27/2016	<u>25</u>	Second MOTION to Amend/Correct <u>1</u> Complaint, by Plaintiffs David Blume, Calvin Wilson. (Attachments: # <u>1</u> Exhibit Proposed Second Amended Complaint)(Frank, David) (Entered: 04/27/2016)
05/17/2016	<u>26</u>	ORDER GRANTING <u>25</u> MOTION (Second) to Amend <u>1</u> Complaint by Plaintiffs David Blume, Calvin Wilson. Clerk DIRECTED to show Plaintiffs' Second Amended Complaint (DE [25-1) filed. Signed by Magistrate Judge Susan L Collins on 5/17/16. (cer) (Entered: 05/17/2016)
05/17/2016	<u>27</u>	CLASS ACTION SECOND AMENDED COMPLAINT against Allen County, Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board filed by Calvin Wilson, David Blume.(cer) (Entered: 05/17/2016)
05/19/2016	<u>28</u>	*REFILED at <u>29</u> * <i>Defendant Allen County Council's</i> ANSWER to <u>27</u> Amended Complaint by Allen County Council.(Posey, James) Modified on 5/20/2016 show refileing due to missing page 25 on this entry (lhc). (Entered: 05/19/2016)
05/20/2016	<u>29</u>	<i>Defendant Allen County Council's</i> ANSWER to <u>27</u> Amended Complaint, by Allen County Council.(Posey, James) Modified on 5/20/2016 to reflect correct doc link (lhc). (Entered: 05/20/2016)
05/20/2016	<u>30</u>	NOTICE of Appearance by Skyler B Spurling–Newsome on behalf of All Plaintiffs (Spurling–Newsome, Skyler) (Entered: 05/20/2016)
05/31/2016	<u>31</u>	ANSWER to <u>27</u> Amended Complaint (<i>Second</i>) by Allen County, Allen County Board of Commissioners.(Maser, Laura) (Entered: 05/31/2016)
06/08/2016	<u>32</u>	ANSWER to <u>27</u> Amended Complaint (<i>Second</i>) by Allen County Public Defender Board.(Feighner, J) (Entered: 06/08/2016)
06/09/2016	<u>33</u>	MOTION to Certify Class <i>and BRIEF IN SUPPORT</i> by Plaintiffs David Blume, Calvin Wilson. (Frank, David) (Entered: 06/09/2016)
06/23/2016	<u>34</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>33</u> MOTION to Certify Class <i>and BRIEF IN SUPPORT</i> by Defendant Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Feighner, J) (Entered: 06/23/2016)
07/06/2016	<u>35</u>	RESPONSE to Motion re <u>34</u> Joint MOTION for Extension of Time to File Response/Reply as to <u>33</u> MOTION to Certify Class <i>and BRIEF IN SUPPORT and Brief in Support</i> filed by David Blume, Calvin Wilson. (Attachments: # <u>1</u> Exhibit A to C)(Frank, David) (Entered: 07/06/2016)
07/20/2016	<u>36</u>	REPLY to Response to Motion re <u>34</u> Joint MOTION for Extension of Time to File Response/Reply as to <u>33</u> MOTION to Certify Class <i>and BRIEF IN SUPPORT</i> filed by Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Feighner, J) (Entered: 07/20/2016)
07/20/2016	<u>37</u>	OBJECTION by David Blume, Calvin Wilson to <u>36</u> Reply to Response to Motion, <i>as Untimely Filed</i> . (Frank, David) (Entered: 07/20/2016)
07/22/2016	<u>38</u>	RESPONSE TO PLAINTIFFS OBJECTION TO THE FILING OF DEFENDANTS REPLY by Allen County Public Defender Board to <u>37</u> Objection . (Feighner, J) (Entered: 07/22/2016)
07/29/2016	39	NOTICE of Hearing: Telephonic hearing on <u>34</u> Joint Motion for Extension of Time to Respond to Pla's Motion for Class Certification set for 8/4/2016 at 9:30 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Court to initiate call.(mr) (Entered: 07/29/2016)
08/04/2016	40	TELEPHONIC HEARING re <u>34</u> Dfts' Joint Motion for Extension of Time to Respond to <u>33</u> Pla's Motion for Class Certification held on 8/4/2016 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys Laura Maser, James Posey, John Feighner and Spencer Feighner. Arguments heard. For reasons stated on the record, Court grants motion for limited purpose of Dfts to conduct depositions of two selected class representatives. Dfts granted to and

		including 9/19/2016 to respond to <u>33</u> Pla's Motion for Class Certification. Plas to file reply brief by 9/26/2016. (FTR 1st floor.) (mr) (Entered: 08/04/2016)
08/11/2016	<u>41</u>	Third MOTION to Amend/Correct <u>1</u> Complaint, by Plaintiffs David Blume, Calvin Wilson. (Attachments: # <u>1</u> Exhibit Third Amended Complaint)(Frank, David) (Entered: 08/11/2016)
08/11/2016	<u>42</u>	First MOTION to Amend/Correct <u>33</u> MOTION to Certify Class and BRIEF IN SUPPORT by Plaintiffs David Blume, Calvin Wilson. (Attachments: # <u>1</u> Exhibit First Amended Motion for Class Certification)(Frank, David) (Entered: 08/11/2016)
08/19/2016	<u>43</u>	RESPONSE to Motion re <u>41</u> Third MOTION to Amend/Correct <u>1</u> Complaint, <i>Joint Response of Defendants</i> filed by Allen County Public Defender Board. (Feighner, John) (Entered: 08/19/2016)
08/19/2016	<u>44</u>	ORDER GRANTING <u>41</u> Third MOTION to Amend/Correct <u>1</u> Complaint, by Plaintiffs David Blume, Calvin Wilson. The Clerk is DIRECTED to show Plaintiffs' Third Amended Complaint (DE <u>41</u> -1) filed. Signed by Magistrate Judge Susan L Collins on 8/19/2016. (lhc) (Entered: 08/22/2016)
08/19/2016	<u>45</u>	THIRD AMENDED COMPLAINT against Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board, filed by Asia Marshall, Calvin Wilson, David Blume.(lhc) (Entered: 08/22/2016)
08/24/2016	<u>46</u>	<i>Defendant Allen County Council's</i> ANSWER to <u>45</u> Amended Complaint by Allen County Council.(Posey, James) (Entered: 08/24/2016)
08/30/2016	<u>47</u>	ORDER GRANTING <u>42</u> First MOTION to Amend/Correct <u>33</u> MOTION to Certify Class and BRIEF IN SUPPORT by Plaintiffs David Blume, Calvin Wilson. Clerk is DIRECTED to show Plaintiffs' First Amended Motion for Class Certification (DE <u>42</u> -1) filed. Signed by Magistrate Judge Susan L Collins on 8/30/2016. (lhc) (Entered: 08/30/2016)
08/30/2016	<u>48</u>	Plaintiffs' First Amended MOTION for Class Certification by Plaintiffs David Blume, Asia Marshall, Calvin Wilson. (lhc) (Entered: 08/30/2016)
08/31/2016	<u>49</u>	ANSWER to <u>45</u> Amended Complaint by Allen County Board of Commissioners.(Maser, Laura) (Entered: 08/31/2016)
09/13/2016	<u>50</u>	ANSWER to <u>45</u> Amended Complaint by Allen County Public Defender Board.(Feighner, J) (Entered: 09/13/2016)
09/19/2016	<u>51</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>48</u> MOTION to Certify Class by Defendant Allen County Board of Commissioners. (Maser, Laura) (Entered: 09/19/2016)
09/20/2016	52	ENTRY for Magistrate Judge Susan Collins: <u>51</u> Dfts' Joint Motion for Extension of Time is granted. Dfts granted to and including 10/31/2016 to respond to <u>48</u> Plas' Motion for Class Certification. So Ordered.(mr) (Entered: 09/20/2016)
10/20/2016	<u>53</u>	Joint MOTION for Extension of Time to Complete Discovery , MOTION for Extension of Time to File Response/Reply as to 52 Order on Motion for Extension of Time to File Response/Reply, 21 Rule 16 Preliminary Pretrial Conference,,,, by Plaintiffs David Blume, Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 10/20/2016)
10/20/2016	54	NOTICE of Hearing: Telephonic hearing re <u>53</u> Joint Motion to Extend Discovery Deadlines set for 10/28/2016 at 10:00 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Court to initiate call.(mr) (Entered: 10/20/2016)
10/28/2016	55	TELEPHONIC HEARING re <u>53</u> Joint Motion to Extend Discovery Deadlines held on 10/28/2016 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys Laura Maser, James Posey, and John Feighner. Court grants motion. Plas' expert witness disclosures and reports to be delivered to the Dfts by 2/20/2017. Dfts expert witness disclosures and reports to be delivered to the Plas by 3/20/2017. Discovery deadline extended to and including 4/20/2017. Dfts to Respond to <u>48</u> Plas' First Amended Motion for Class Certification by 2/4/2017. (FTR 1st floor.) (mr) (Entered: 10/28/2016)

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10/31/2016	<u>56</u>	Letter from Daniel J. Sigler advising of mediation schedule. (lhc) (Entered: 11/01/2016)
02/06/2017	<u>57</u>	OBJECTION by Allen County, Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board to <u>48</u> MOTION to Certify Class . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Posey, James) (Entered: 02/06/2017)
02/10/2017	<u>58</u>	REPLY to Response to Motion re <u>48</u> MOTION to Certify Class filed by David Blume, Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 02/10/2017)
02/15/2017	<u>59</u>	REPORT of Mediation by Dan L Sigler advising that resolution was not achieved.(lhc) (Entered: 02/15/2017)
02/20/2017	<u>60</u>	MOTION for Extension of Time to Complete Discovery by Plaintiffs David Blume, Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 02/20/2017)
02/24/2017	<u>61</u>	OBJECTION by Allen County Council to <u>60</u> MOTION for Extension of Time to Complete Discovery . (Posey, James) (Entered: 02/24/2017)
03/01/2017	<u>62</u>	NOTICE of Hearing: In-person hearing on <u>60</u> MOTION for Extension of Time to Complete Discovery set for 3/6/2017 11:30 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. (mr) (Entered: 03/01/2017)
03/03/2017	<u>63</u>	REPLY to Response to Motion re <u>60</u> MOTION for Extension of Time to Complete Discovery filed by David Blume, Asia Marshall, Calvin Wilson. (Attachments: # <u>1</u> Exhibit ACPDB Discovery 1 of 3, # <u>2</u> Exhibit ACPDB Discovery 2 of 3, # <u>3</u> Exhibit ACPDB Discovery 3 of 3, # <u>4</u> Exhibit Initial Disclosures Identifying Lefstein, # <u>5</u> Exhibit Lefstein CV, # <u>6</u> Exhibit Lefstein Study 1, # <u>7</u> Exhibit Lefstein Study 2)(Frank, David) (Entered: 03/03/2017)
03/06/2017	<u>64</u>	HEARING re Plas' <u>60</u> Motion to Extend Discovery Deadlines held on 3/6/2017 before Magistrate Judge Susan L Collins. Plas appeared by attys David Frank and Christopher Myers. Dfts appeared by attys James Posey, Laura Maser, and Spencer Feighner. Arguments heard. Dft Allen Co Council's unopposed oral motion to stay discovery pending ruling on <u>48</u> Plas' First Amended Motion for Class Certification is denied. For reasons stated on the record, Court grants in part Plas' <u>60</u> Motion to Extend Discovery Deadlines. Plas' expert witness disclosures and reports to be delivered to the Dfts by 4/14/2017. Dfts expert witness disclosures and reports to be delivered to the Plas by 5/15/2017. Discovery deadline extended to and including 6/15/2017. (FTR 1st floor.)(mr) (Entered: 03/06/2017)
04/19/2017	<u>65</u>	MOTION to Supplement <u>48</u> MOTION to Certify Class by Plaintiff Calvin Wilson. (Attachments: # <u>1</u> Exhibit FRCP 26(a)(2) Report)(Frank, David) (Entered: 04/19/2017)
05/01/2017	<u>66</u>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Theresa L Springmann for all further proceedings. Judge Philip P Simon no longer assigned to case. Magistrate Consent forms due by 5/22/2017. Signed by Chief Judge Theresa L Springmann on 5/1/17. (jld) (Entered: 05/01/2017)
05/12/2017	<u>67</u>	Joint MOTION for Extension of Time to Complete Discovery <i>Rule 26(a)(2) Expert Witness Report</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 05/12/2017)
05/12/2017	<u>68</u>	ENTRY for Magistrate Judge Susan Collins: Pla's unopposed <u>65</u> Motion for Leave to File Expert Witness Report in Support of Motion for Class Certification is granted. So Ordered.(mr) (Entered: 05/12/2017)
05/12/2017	<u>69</u>	ENTRY for Magistrate Judge Susan Collins: <u>67</u> Dfts' Joint Motion for Extension of Time is granted. Dfts expert witness disclosures and reports to be delivered to the Pla by 5/29/2017. So Ordered. (mr) (Entered: 05/12/2017)
05/30/2017	<u>70</u>	MOTION for Leave to File <i>Expert Witness Report in Opposition of Motion for Class Certification</i> by Defendants Allen County, Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit Exhibit A)(Feighner, J) (Entered: 05/30/2017)

05/31/2017	<u>71</u>	ENTRY for Magistrate Judge Susan Collins: The unopposed <u>70</u> Motion for Leave to File Expert Witness Report in Opposition of Motion for Class Certification is granted. Dfts granted leave to supplement their response to Plas' Motion for Class Certification with their Fed. R. Civ. P. 26(1)(2) expert witness report. So Ordered. (mr) (Entered: 05/31/2017)
06/14/2017	<u>72</u>	Joint MOTION for Extension of Time to Complete Discovery /Extend Close of Discovery by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 06/14/2017)
06/14/2017	<u>73</u>	NOTICE of Hearing: In-person hearing on <u>72</u> Dfts' Joint Motion to Extend the Close of Discovery set for 6/20/2017 11:00 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. (mr) (Entered: 06/14/2017)
06/20/2017	<u>74</u>	NOTICE of Appearance by G William Fishing on behalf of Allen County Board of Commissioners (Fishing, G) (Entered: 06/20/2017)
06/20/2017	<u>75</u>	HEARING re <u>72</u> Dfts' Joint Motion to Extend the Close of Discovery held on 6/20/2017 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys James Posey, William Fishing and Spencer Feighner. Court grants unopposed motion and extends discovery deadline to 9/13/2017. Status Conference set for 9/13/2017 at 10:00 am in US District Court Fort Wayne before Magistrate Judge Susan L Collins. (FTR 1st floor.) (mr) (Entered: 06/20/2017)
08/14/2017	<u>76</u>	OPINION AND ORDER: The Court DENIES, WITH LEAVE TO REFILE, the Plaintiff's First Amended Motion for Class Certification <u>48</u> . The Court GRANTS the Defendants until 9/15/2017, to file their Motion to Dismiss. Signed by Chief Judge Theresa L Springmann on 8/14/2017. (jss) (Entered: 08/15/2017)
08/14/2017		Set/Reset Deadlines: Defendants to file Motion to Dismiss by 9/15/2017 (jss) (Entered: 08/15/2017)
08/16/2017	<u>77</u>	STIPULATION to Dismiss <i>Plaintiff Blume</i> by Plaintiffs Asia Marshall, Calvin Wilson, David Blume. (Frank, David) (Entered: 08/16/2017)
08/29/2017	<u>78</u>	CASE DISMISSED, WITH PREJUDICE AGAINST David Blume, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, <u>77</u> Stipulation to Dismiss. (jlb) (Entered: 08/29/2017)
09/12/2017	<u>79</u>	Joint MOTION for Extension of Time to Complete Discovery by Defendant Allen County Public Defender Board. (Feighner, John) (Entered: 09/12/2017)
09/12/2017	<u>80</u>	ORDER for Magistrate Judge Susan Collins: The <u>79</u> Joint Motion to Extend Discovery Deadline will be heard at the Status Conference set for 9/13/2017 at 10:00 am. Text entry order.(mr) (Entered: 09/12/2017)
09/13/2017	<u>81</u>	STATUS CONFERENCE and hearing on <u>79</u> Joint Motion to Extend Discovery Deadline held on 9/13/2017 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys Spencer Feighner, Laura Maser and James Posey. For reasons stated on the record, Court grants motion. Deadline for discovery to be extended 60 days and deadline for Dfts to respond to Plas' written expert discovery to be extended 30 days from Court's issuance of an order re the motion to dismiss that Dfts anticipate filing by 9/15/2017. (FTR 1st floor.) (mr) (Entered: 09/15/2017)
09/15/2017	<u>82</u>	MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 09/15/2017)
09/15/2017	<u>83</u>	MEMORANDUM in Support of <u>82</u> MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> filed by Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Posey, James) (Entered: 09/15/2017)
09/25/2017	<u>84</u>	RESPONSE to Motion re <u>82</u> MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> filed by Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 09/25/2017)
09/25/2017	<u>85</u>	BRIEF in Opposition to <u>82</u> MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> filed by Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 09/25/2017)

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09/27/2017	<u>86</u>	MOTION to Withdraw as Attorney by Plaintiffs David Blume, Asia Marshall, Calvin Wilson. (Spurling-Newsome, Skyler) (Entered: 09/27/2017)
09/27/2017	87	ORDER for Magistrate Judge Susan Collins: The <u>86</u> Motion to Withdraw is granted. The appearance of Attorney Skyler B Spurling-Newsome is hereby withdrawn on behalf of Plas. Text entry order.(mr) (Entered: 09/27/2017)
09/28/2017	<u>88</u>	First MOTION to Amend/Correct <u>85</u> Brief in Opposition by Plaintiffs Asia Marshall, Calvin Wilson. (Attachments: # <u>1</u> Exhibit First Amended Brief, # <u>2</u> Exhibit Proposed Order)(Frank, David) (Entered: 09/28/2017)
09/29/2017	<u>89</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>84</u> Response to Motion by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Posey, James) (Entered: 09/29/2017)
10/02/2017	90	NOTICE of Hearing: Telephonic hearing on <u>89</u> Joint Motion for Extension of Time to File Reply set for 10/3/2017 at 2:30 PM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Court to initiate call.(mr) (Entered: 10/02/2017)
10/03/2017	91	TELEPHONIC HEARING re <u>89</u> Dfts' Joint Motion for Extension of Time to File Reply held on 10/3/2017 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys James Posey, Spencer Feighner and Laura Maser. Arguments heard. Court grants <u>89</u> Joint Motion for Extension of Time. The deadline is extended for the Dfts to file a reply to the Plas' Response to Dfts' Motion to Dismiss to 7 days from the date the Court rules on the <u>88</u> Pls' Motion for Leave to File First Amended Brief. (FTR 1st floor.) (mr) (Entered: 10/03/2017)
10/12/2017	<u>92</u>	RESPONSE to Motion re <u>88</u> First MOTION to Amend/Correct <u>85</u> Brief in Opposition filed by Allen County Board of Commissioners. (Attachments: # <u>1</u> Exhibit A – Affidavit of Randall Hammond)(Feighner, John) (Entered: 10/12/2017)
10/19/2017	<u>93</u>	REPLY to Response to Motion re <u>88</u> First MOTION to Amend/Correct <u>85</u> Brief in Opposition filed by Asia Marshall, Calvin Wilson. (Frank, David) (Entered: 10/19/2017)
03/27/2018	<u>94</u>	OPINION AND ORDER GRANTING <u>88</u> First MOTION to Amend/Correct <u>85</u> Brief in Opposition filed by Calvin Wilson, Asia Marshall. Defendants have to and including 4/17/2018 to file a reply to the Motion to Dismiss (DE #82). Signed by Chief Judge Theresa L Springmann on 3/27/18. (ksp) (Entered: 03/27/2018)
04/17/2018	<u>95</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>85</u> Brief in Opposition to <i>Defendants' Motion</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 04/17/2018)
04/18/2018	96	ORDER for Magistrate Judge Susan Collins: <u>95</u> Defendants' Unopposed Joint Motion for Extension of Deadline is granted. Defendants granted to and including 5/17/2018 to file a reply to Plaintiffs' First Amended Brief in Support of Response in Opposition to Defendants' Motion. Text entry order. (mr) (Entered: 04/18/2018)
05/14/2018	<u>97</u>	Second MOTION for Extension of Time to File Response/Reply as to <u>85</u> Brief in Opposition to <i>Defendants' Motion</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 05/14/2018)
05/15/2018	98	ORDER for Magistrate Judge Susan Collins: <u>97</u> Dfts' Second Unopposed Joint Motion for Extension of Time is granted. Dfts granted to and including 6/18/2018 to file a reply to Plas' First Amended Brief in Support of Response in Opposition to Defendants' Motion. Text entry order. (mr) (Entered: 05/15/2018)
06/18/2018	<u>99</u>	MOTION to Vacate 98 Order on Motion for Extension of Time to File Response/Reply, by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 06/18/2018)
06/20/2018	100	ORDER for Magistrate Judge Susan Collins: <u>99</u> Dfts' Unopposed Motion to Vacate Deadline to File Reply is granted. The Court STAYS further briefing on the <u>82</u> Motion to Dismiss due to the parties' report that they have reached a settlement in principal. Text entry order.(mr) (Entered: 06/20/2018)

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07/19/2018	101	NOTICE of Hearing: Telephonic Status Conference set for 8/22/2018 at 10:00 AM in US District Court – Fort Wayne before Magistrate Judge Susan L Collins. Court to initiate call.(mr) (Entered: 07/19/2018)
08/22/2018	102	TELEPHONIC STATUS CONFERENCE held on 8/22/2018 before Magistrate Judge Susan L Collins. Plas appeared by atty David Frank. Dfts appeared by attys John Feighner, Spencer Feighner, James Posey and Laura Maser. Atty Frank advises Pla(s) reviewing settlement agreement. Counsel for Dfts report case was settled and will file a motion to enforce settlement in event Pla Asia Marshall does not sign the agreement. Further telephonic Status Conference set for 10/3/2018 at 10:00 am. Court to initiate call. Status Conference to be converted to hearing on motion to enforce settlement in event one is filed. (FTR 1st floor.) (mr) (Entered: 08/22/2018)
09/10/2018	103	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: Pursuant to the parties' report that they have reached a settlement, the Court TERMS the <u>82</u> Motion to Dismiss the Plaintiffs' Third Amended Complaint WITH LEAVE TO REINSTATE after the scheduled status conference, if necessary. (cer) (Entered: 09/10/2018)
09/18/2018	<u>104</u>	MOTION for Settlement <i>Defendants' Motion to Enforce Settlement Agreement</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit Affidavit)(Posey, James) (Entered: 09/18/2018)
09/20/2018	<u>105</u>	LETTER emailed to Judge Collins chambers on 9/19/2018 by Plaintiff, Asia Marshall (mr) (Entered: 09/20/2018)
09/20/2018	<u>106</u>	Letter from Asia Marshall regarding attorney. (sct) (Entered: 09/20/2018)
09/20/2018	<u>107</u>	MOTION to Withdraw as Attorney <i>for Asia Marshall</i> by Plaintiff Calvin Wilson. (Frank, David) (Entered: 09/20/2018)
09/25/2018	108	ORDER for Magistrate Judge Susan Collins: The Court on its own motion VACATES the telephonic Status Conference set for 10/3/2018 at 10:00 am. Text entry order.(mr) (Entered: 09/25/2018)
09/25/2018	109	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: Telephonic Status Conference SET for 10/18/2018 at 01:00 PM (INDIANA EASTERN TIME) in US District Court – Fort Wayne before Chief Judge Theresa L Springmann. Court will initiate call. (cer) (Entered: 09/25/2018)
10/01/2018	<u>110</u>	MOTION to Continue <i>and Reschedule Telephonic Status Conference</i> by Defendant Allen County Council. (Posey, James) (Entered: 10/01/2018)
10/02/2018	111	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: The Court being duly advised GRANTS Dft's <u>110</u> Unopposed Motion to Reschedule Telephonic Status Conference. Telephonic Status Conference set for 10/18/2018 is VACATED and RESET to 10/29/2018 at 10:30 AM (INDIANA EASTERN TIME) in US District Court – Fort Wayne before Chief Judge Theresa L Springmann. Court will initiate call. Should any of the parties find it necessary to file a motion to continue the telephonic conference, counsel are to include in the motion several dates of availability. (cer) (Entered: 10/02/2018)
10/02/2018	<u>112</u>	REPORT by Calvin Wilson . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Frank, David) (Entered: 10/02/2018)
10/25/2018	<u>113</u>	NOTICE of Appearance by Christopher C Myers on behalf of Calvin Wilson (Myers, Christopher) (Entered: 10/25/2018)
10/29/2018	<u>114</u>	REPORT by Asia Marshall, Calvin Wilson <i>Supplemental Report to the Court.</i> (Attachments: # <u>1</u> Exhibit)(Myers, Christopher) (Entered: 10/29/2018)
10/29/2018	115	TELEPHONIC STATUS CONFERENCE held on 10/29/2018 before Chief Judge Theresa L Springmann. Pla Calvin Wilson appeared by and with attys David Frank and Christopher Myers. Pla Asia Marshall appeared on her own behalf. Dfts appeared by attys J. Spencer Feighner, John Feighner, Laura Maser and James Posey. Parties advise as to case status. Pla Calvin Wilson confirms he wishes to have attys David Frank and Christopher Myers continue to represent him, that he has no objection to the terms of the Settlement Agreement, and that he agrees to continue in the case in an individual capacity and as class representative. Pla Asia Marshall requests that attys

		David Frank and Christopher Myers withdraw their appearance. The Court GRANTS <u>107</u> Motion to Withdraw as Attorney for reasons stated on the record. Pla Asia Marshall is proceeding pro se and is given until 11/30/2018 in which to retain counsel or file a written document advising the Court as to why the Settlement Agreement should not be approved. Court KEEPS UNDER ADVISEMENT <u>104</u> Motion to Enforce Settlement Agreement. Telephonic Status Conference SET for 1/25/2019 at 02:00 PM (INDIANA EASTERN TIME) in US District Court – Fort Wayne before Chief Judge Theresa L Springmann. Court will initiate call. (cc: Asia Marshall). (Court Reporter FTR.) (cer) (Entered: 10/29/2018)
11/19/2018	<u>116</u>	PETITION for Relief by Plaintiff Asia Marshall. (lhc) (Entered: 11/20/2018)
11/26/2018	<u>117</u>	CERTIFICATE OF SERVICE by Asia Marshall re <u>116</u> Petition for Relief. (Ins) (Entered: 11/26/2018)
12/03/2018	<u>118</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>116</u> MOTION for Relief by Defendant Allen County Public Defender Board. (Feighner, J) (Entered: 12/03/2018)
12/05/2018	<u>119</u>	RESPONSE to Motion re <u>116</u> MOTION for Relief filed by Calvin Wilson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Myers, Christopher) (Entered: 12/05/2018)
12/10/2018	<u>120</u>	ORDER for Magistrate Judge Susan Collins: The <u>118</u> Joint Motion for Extension of Time to Respond to Pla's Petition for Relief is granted. Dfts, Allen County Council, the Board of Commissioners of the County of Allen, and the Allen County Public Defender Board are granted to and including 12/13/2018 to respond to Pla's <u>116</u> Petition for Relief. Text entry order. (mr) (Entered: 12/10/2018)
12/13/2018	<u>121</u>	RESPONSE to Motion re <u>116</u> MOTION for Relief filed by Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 12/13/2018)
12/20/2018	<u>122</u>	REPLY to Response to Motion re <u>116</u> MOTION for Relief filed by Asia Marshall. (Ins) (Entered: 12/20/2018)
01/04/2019	<u>123</u>	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN: On the Court's own motion due to a scheduling conflict the Telephonic Status Conference set for 1/25/2019 is VACATED and RESET to 2/5/2019 at 10:30 AM (INDIANA EASTERN TIME) in US District Court – Fort Wayne before Chief Judge Theresa L Springmann. Court will initiate call. (cer) (Entered: 01/04/2019)
02/05/2019	<u>124</u>	TELEPHONIC STATUS CONFERENCE held on 2/5/2019 before Chief Judge Theresa L Springmann. Pla Calvin Wilson appeared by atty David Frank. Pla Asia Marshall appeared Pro Se. Dfts appeared by attys J. Spencer Feighner, John Feighner, Laura Maser and James Posey. Parties advise as to case status. Pla Asia Marshall confirms that she continues to represent herself. Court anticipates issuing a ruling in approximately 30 days re <u>104</u> Motion to Enforce Settlement Agreement. (cc: Asia Marshall). (Court Reporter FTR.) (cer) (Entered: 02/05/2019)
05/01/2019	<u>125</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Holly A Brady for all further proceedings. Chief Judge Theresa L Springmann no longer assigned to case. Signed by Chief Judge Theresa L Springmann on 5/1/2019. (rs) (Entered: 05/01/2019)
05/09/2019	<u>126</u>	MOTION for Order on Motion to Enforce and Other Relief by Plaintiff Calvin Wilson. (Myers, Christopher) (Entered: 05/09/2019)
05/10/2019	<u>127</u>	MOTION to assign new Judge, request for order on motion to dismiss enforcement of settlement and request for order on motion to grant petition for relief by Plaintiff Asia Marshall. (mrm) (Entered: 05/10/2019)
05/10/2019	<u>128</u>	ORDER REASSIGNING CASE. Case reassigned to Judge William C Lee for all further proceedings. Judge Holly A Brady no longer assigned to case. Signed by Judge Holly A Brady on 5/10/19. (cc: Asia Marshall). (cer) (Entered: 05/10/2019)
05/14/2019	<u>129</u>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Theresa L Springmann for all further proceedings. Judge William C Lee no longer assigned to case. Signed by Judge William C Lee on 5/14/2019. (copy mailed to pro se party) (Ins)

		Modified on 5/14/2019 to add routing (lns). (Entered: 05/14/2019)
07/17/2019	<u>130</u>	ORDER: On May 14, 2019, the case was transferred back to Judge Springmann. The Court anticipates ruling on the pending Motions [ECF Nos. 104 and 116] within fifteen (15) days. Therefore <u>126</u> MOTION for Order on Motion to Enforce and Other Relief and <u>127</u> MOTION to assign new Judge, request for order on motion to dismiss enforcement of settlement and request for order on motion to grant petition for relief are DENIED as MOOT. Signed by Chief Judge Theresa L Springmann on 7/17/2019. (rs) (Entered: 07/17/2019)
07/17/2019	<u>131</u>	MOTION to Withdraw as Attorney by Plaintiff Calvin Wilson. (Attachments: # <u>1</u> Exhibit Proposed Order)(Frank, David) (Entered: 07/17/2019)
07/23/2019	132	ORDER for Magistrate Judge Susan Collins: The <u>131</u> Motion to Withdraw is granted. The appearance of Atty David W Frank is hereby withdrawn on behalf of Pla. Text entry order.(mr) (Entered: 07/23/2019)
07/25/2019	<u>133</u>	ORDER: Defendants' Motion to Enforce Settlement Agreement <u>104</u> is DENIED. Plaintiff Asia Marshall's Petition for Relief <u>116</u> is GRANTED IN PART and DENIED IN PART; to the extent it asks the Court to decline to enforce the settlement agreement, it is GRANTED; all other relief is DENIED. Defendants' Motion to Dismiss Plaintiff's Third Amended Complaint <u>82</u> was terminated only because the parties reported they had reached a settlement. Therefore, the Defendants are granted until 08/26/2019 to re-file their Motion to Dismiss. Signed by Chief Judge Theresa L Springmann on 07/25/2019. (jat) (Entered: 07/25/2019)
08/26/2019	<u>134</u>	MOTION for Extension of Time to File <i>Motion to Dismiss</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Feighner, J) (Entered: 08/26/2019)
08/26/2019	<u>135</u>	STRICKEN per 136 Proposed Pretrial Order <i>Granting Motion for Extension of Time to File Motion to Dismiss</i> by Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Feighner, J) Modified on 9/5/2019 (rs). (Entered: 08/26/2019)
09/05/2019	136	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN. The Court being duly advised GRANTS <u>134</u> MOTION for Extension of Time to File Motion to Dismiss. Motion to dismiss to be filed by 9/9/2019. The Court STRIKES <u>135</u> as improperly filed.(rs) (Entered: 09/05/2019)
09/09/2019	<u>137</u>	MOTION to Dismiss <i>Third Amended Complaint</i> by Defendants Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Posey, James) (Entered: 09/09/2019)
09/09/2019	<u>138</u>	MEMORANDUM in Support of <u>137</u> MOTION to Dismiss <i>Third Amended Complaint</i> filed by Allen County Board of Commissioners, Allen County Council, Allen County Public Defender Board. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Posey, James) (Entered: 09/09/2019)
10/09/2019	<u>139</u>	ORDER regarding <u>137</u> MOTION to Dismiss <i>Third Amended Complaint</i> filed by Allen County Public Defender Board, Allen County Board of Commissioners, Allen County Council. Because Plaintiff Asia Marshall is proceeding without counsel, the Court ORDERS that the deadline for Plaintiff Asia Marshall to file her response to the Defendants Motion to Dismiss the Third Amended Complaint [ECF No. 45] is extended to October 25, 2019. Signed by Chief Judge Theresa L Springmann on 10/9/19. (Copy mailed to pro se party Asia Marshall)(mlc) (Entered: 10/10/2019)
02/05/2020	<u>140</u>	OPINION AND ORDER GRANTING in part and DENYING in part <u>137</u> MOTION to Dismiss <i>Third Amended Complaint</i> filed by Allen County Public Defender Board, Allen County Board of Commissioners, Allen County Council and ORDERING that the claims brought by Plaintiff Asia Marshall individually are hereby DISMISSED without prejudice. The case remains pending as to Plaintiff Calvin Wilson. Signed by Chief Judge Theresa L Springmann on 2/5/2020. (Copy mailed to pro se party)(bas) (Entered: 02/05/2020)
03/04/2020	141	ORDER FOR CHIEF JUDGE THERESA L SPRINGMANN; Telephonic Status Conference SET for 4/9/2020 10:00 AM (CENTRAL TIME) in US District Court – Hammond before Chief Judge Theresa L Springmann. Court to initiate the call. Unless

		an appropriate stipulation of dismissal pursuant to Fed. R. Civ. P.41(a)(1) is filed. (rs) (Entered: 03/04/2020)
03/30/2020	<u>142</u>	*STRICKEN pursuant to <u>143</u> * Joint MOTION to Dismiss <i>With Prejudice</i> by Plaintiff Calvin Wilson. (Myers, Christopher) Modified on 4/1/2020 (lhc). (Entered: 03/30/2020)
03/31/2020	<u>143</u>	OPINION AND ORDER: The Court STRIKES the Stipulation to Dismiss <u>142</u> . The Court GRANTS the parties leave to file a motion to dismiss with or without prejudice as outlined in Order. The Court REAFFIRMS the telephonic status conference set for 4/9/2020, at 10:00 a.m. (central time) to be initiated by the Court, unless the parties file the necessary documentation for dismissal prior to that date. Signed by Chief Judge Theresa L Springmann on 3/31/2020. (lhc) (Entered: 04/01/2020)
04/01/2020	<u>144</u>	STIPULATION to Dismiss by Plaintiff Calvin Wilson. (Myers, Christopher) (Entered: 04/01/2020)
04/01/2020		CASE DISMISSED WITH PREJUDICE pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure re <u>144</u> Revised Stipulation of Dismissal. (rs) (Entered: 04/01/2020)