

UNITED STATES DISTRICT COURT SOUTHERN INDIANA

INDIANAPOLIS CHAPTER/NAACP -VS- CARMEL, CITY OF

IP97-C-0104 -M/S

FILED	CLOSED	NATR SUIT	JURY?	DEMAND (\$1000)	JUDGE	MAGISTRATE
01/23/1997	04/06/1999	440	Y	0	MCKINNEY	SHIELDS

CAUSE: CIVIL RIGHTS; Other Civil Rights

INDIANAPOLIS CHAPTER/NAACP
plaintiff

KENNETH J FALK
INDIANA CIVIL LIBERTIES UNION
1031 E WASHINGTON ST
INDIANAPOLIS, IN 46202
(317)635-4059
LINDA L PENCE (01)
JOHNSON SMITH HEATH LLP
ONE INDIANA SQUARE #1800
INDIANAPOLIS, IN 46204
(317)634-9777

SMITH, DAVID
plaintiff

KENNETH J FALK
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1031 E WASHINGTON ST
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(317)635-4059
LINDA L PENCE (01)
JOHNSON SMITH HEATH LLP
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V.

CARMEL, CITY OF
defendant

RANDALL C HELMEN
HUME SMITH GEDDES GREEN
54 MONUMENT CIRCLE, SUITE 400
INDIANAPOLIS, IN 46204
(317)632-4402

CARMEL POLICE DEPARTMENT, THE
defendant

RANDALL C HELMEN
HUME SMITH GEDDES GREEN
54 MONUMENT CIRCLE, SUITE 400
INDIANAPOLIS, IN 46204
(317)632-4402
JOHN R MALEY
BARNES & THORNBURG

HOBSON, PHILLIP
defendant

1313 MERCHANTS BANK BUILDING
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, IN 46204
(317)236-1313
SUSAN M ZOELLER
BARNES & THORNBURG
1313 MERCHANTS BANK BUILDING
11 SOUTH MERIDIAN
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DATE	NR.	PROCEEDINGS
01/23/1997	1	COMPLAINT eod 01/23/97 [DLD]
01/23/1997	=	DEMAND FOR JURY TRIAL eod 01/23/97 [DLD]
01/23/1997	2	RECEIPT # 024393 eod 01/23/97 [DLD]
01/23/1997	3	CIVIL COVER SHEET eod 01/23/97 [DLD]
01/23/1997	4	MAGISTRATE'S NOTICE eod 01/23/97 [DLD]
01/23/1997	5	SUMMONS eod 01/23/97 [DLD]
01/31/1997	6	MOTION for Class Certification c/s - PLTF Smith eod 01/31/97 [MAC]
02/05/1997	7	RETURN of service by CMRRR dated 1/24/97 on DEFT The Carmel Police Dept eod 02/05/97 [SWM]
02/05/1997	8	RETURN of service by CMRRR dated 1/24/97 on DEFT The City of Carmel eod 02/05/97 [SWM]
02/05/1997	9	RETURN of service by CMRRR dated 1/24/97 on DEFT Phillip Hobson c/o Carmel Police Dept eod 02/05/97 [SWM]
02/07/1997	11	MOTION FOR JUDGMENT ON THE PLEADINGS (Partial) cs ALL DEFTS eod 02/10/97 [DLD]
02/07/1997	12	MEMORANDUM IN SUPPORT for Partial Judgment on the Pleadings cs ALL DEFTS eod 02/10/97 [DLD]
02/07/1997	13	APPEARANCE of Randall C Helmen & Andrew P Wirick on behalf of DEFTS c/s eod 02/10/97

[SWM]

02/07/1997	14	ANSWER to complaint and; eod 02/10/97 [SWM]
02/07/1997	=	AFFIRMATIVE DEFENSE c/s DEFTS eod 02/10/97 [SWM]
02/07/1997	15	MOTION FOR TIME TO respond to pltf's motion for class certification c/s DEFTS eod 02/10/97 [SWM]
02/07/1997	16	OFFER of judgment c/s DEFTS eod 02/10/97 [SWM]
02/12/1997	17	ORDER grants defts time to respond to pltf's motion for class certification to and including 10 days from the date of the Court's ruling on deft's Motion for Partial Judgment on the Pleading. (SO) cm LJM eod 02/12/97 [DLD]
02/24/1997	18	MOTION FOR TIME TO respond to defts' motion for partial judgment on the pleadings. cs PLTF eod 02/24/97 [DLD]
02/25/1997	19	ORDER grants the pltf time to respond to defts' motion for partial judgment on the pleadings to and including 03/07/97. cm LJM eod 02/25/97 [DLD]
03/06/1997	20	MOTION FOR TIME TO respond to defts' motion for partial judgment on the pleadings c/s PLTF eod 03/06/97 [SWM]
03/12/1997	21	ORDER grants the pltf time to respond to defts' motion for partial judgment on the pleadings is extended to and including 03/12/97. cm LJM eod 03/12/97 [DLD]
03/12/1997	22	MOTION FOR TIME TO respond to defts' motion for partial judgment on the pleading. cs PLTF eod 03/13/97 [DLD]
03/14/1997	23	ORDER GRANTS pltf's motion form time to respond to defts' Motion for Partial S/J to 3/17/97 cm LJM eod 03/14/97 [MAC]
03/17/1997	24	MOTION TO AMEND complaint c/s PLTF eod 03/18/97 [SWM]
03/17/1997	25	MEMORANDUM in opposition to defts' motion for partial judgment on the pleadings c/s PLTF eod 03/18/97 [SWM]
03/19/1997	26	ORDER grants the Motion to Amend complaint. cm LJM eod 03/19/97 [DLD]
03/19/1997	27	AMENDED COMPLAINT - PLTF eod 03/19/97 [DLD]
03/31/1997	28	MOTION FOR TIME TO file reply brief in support of Motion for Partial Judgment on the Pleadings. cs ALL DEFTS eod 03/31/97 [DLD]
04/01/1997	29	ORDER grants the defts time to file a reply brief to and including 4/14/97. cm LJM eod 04/01/97 [DLD]
04/10/1997	30	MOTION for class certification (Amended motion) c/s PLTF eod 04/11/97 [SWM]
04/14/1997	31	MOTION FOR TIME TO (SECOND) file reply brief in support of motion for partial judgment on the pleadings cs DEFTS eod 04/15/97 [LMW]

04/16/1997	32	ORDER GRANTS depts second motion for time to file Reply Brief in support of Motion for Partial S/J on the Pleadings to 4/21/97 cm LJM eod 04/16/97 [MAC]
04/21/1997	33	MOTION FOR TIME TO file reply brief in support of motion for partial judgment on the pleadings and answer to pltf's Amended Complaint (THIRD MOTION) cs DEFTS eod 04/22/97 [LMW]
04/23/1997	34	ORDER that depts are granted to and until 4/28/97 to file their reply brief in support of Motion for partial s/j on the pleadings and answer to pltf's amended complaint. LJM c/m eod 04/23/97 [PLP]
04/28/1997	35	MOTION FOR TIME TO file reply brief in support of motion for partial judgment on the pleadings; and eod 04/30/97 [SWM]
04/28/1997	=	MOTION FOR TIME TO answer amended complaint (Fourth motion) c/s DEFTS eod 04/30/97 [SWM]
05/01/1997	36	ORDER grants the depts time to answer amended complaint to and including 05/05/97. cm LJM eod 05/01/97 [DLD]
05/05/1997	37	MOTION FOR TIME TO file Reply Brief in support of Motion for Partial Judgment on the Pleadings and to Answer pltf's Amended Complaint c/s - DEFTS eod 05/06/97 [MAC]
05/06/1997	38	ORDER GRANTS depts final motion for time to file Reply Brief in support of Motion for Partial S/J and Answer to pltf's Amended Complaint to 5/8/97 cm LJM eod 05/06/97 [MAC]
05/13/1997	39	REPLY BRIEF IN SUPPORT of their motion for partial judgment on the pleadings. cs DEFTS eod 05/13/97 [DLD]
05/13/1997	40	ANSWER TO PLTF'S AMENDED CLASS ACTION COMPLAINT for injunctive and declaratory relief and individual case for damages. cs ALL DEFTS eod 05/13/97 [DLD]
06/18/1997	41	MOTION FOR PROTECTIVE ORDER (Verified motion) c/s DEFTS eod 06/19/97 [SWM]
06/24/1997	42	ORDER DENIES the motion for protective order filed by DEFT Hobson and City of Carmel. cm LJM eod 06/25/97 [DLD]
06/24/1997	=	OBV 43 PG 659 eod 06/25/97 [DLD]
06/24/1997	43	ORDER on DEFTS' motion for partial judgment on the pleadings is DENIED. cm LJM eod 06/25/97 [DLD]
06/24/1997	=	OBV 43 PG 660 eod 06/25/97 [DLD]
06/27/1997	44	MOTION FOR TIME TO RESPOND TO Pltf's Request for Production of Documents cs/DEFTS eod 06/27/97 [SJD]
06/27/1997	45	MOTION FOR TIME TO RESPOND TO Pltf's Amended Motion for Class Certification cs/DEFTS eod 06/27/97 [SJD]
07/02/1997	46	ORDER GRANTS motion for time to respond to pltf's request for production of documents - ext to and including 7/27/97 DEFTS c/m sdw VSS eod 07/03/97 [SWM]
07/02/1997	47	ORDER GRANTS motion for time to respond to pltf's amended motion for class certification - ext

to and including 7/21/97 DEFTS c/m sdw VSS eod 07/03/97 [SWM]

- 07/21/1997 48 MOTION FOR TIME TO respond to pltfs' Amended Motion for Class Certification c/s - DEFTS eod 07/21/97 [MAC]
- 07/29/1997 49 ORDER GRANTS DEFTS' second mot for time to respond to PLTFS' Amended mot for class certification to 8/1/97 c/m LJM eod 07/29/97 [GRN]
- 08/01/1997 50 MOTION FOR TIME TO respond to pltfs' amended motion for class certification c/s DEFTS eod 08/01/97 [SWM]
- 08/05/1997 51 MOTION FOR TIME TO respond to pltfs' amended motion for class certification. cs ALL DEFTS eod 08/05/97 [DLD]
- 08/07/1997 52 MEMORANDUM in opposition to pltfs' motion for class certification c/s DEFTS eod 08/08/97 [SWM]
- 08/12/1997 53 ORDER grants the defts time file a motion for time in which to respond to pltfs' amended motion for class certification to and including August 5, 1997. cm LJM eod 08/12/97 [DLD]
- 08/12/1997 54 ORDER grants the defts time to file a response to pltfs' amended motion for class certification to and including 08/07/97. cm LJM eod 08/12/97 [DLD]
- 08/12/1997 55 MOTION FOR TIME TO file reply memorandum in support of Motion for Class Certification. c PLTF eod 08/13/97 [DLD]
- 08/12/1997 56 ORDER grants the pltf time to file their reply memorandum in support of their motion for class certification to and including 09/22/97. cm LJM eod 08/13/97 [DLD]
- 08/15/1997 57 ENTRY ASSIGNS CONF to 10/27/97 at 09:00AM Room 256 (VSS) c/m sdw (Status Conference) eod 08/15/97 [SWM]
- 09/08/1997 58 RESPONSE to subpoena duces tecum and request for production c/s JOE PENCE, President of One Call Communications Inc eod 09/09/97 [SWM]
- 09/18/1997 59 MOTION FOR TIME TO file a reply memorandum in support of motion for class certification. cs PLTF eod 09/19/97 [DLD]
- 09/22/1997 60 ORDER GRANTS motion for time to file reply memorandum in support of motion for class certification - ext to and including 10/6/97 PLTFS c/m sdw VSS eod 09/23/97 [SWM]
- 10/06/1997 61 REPLY MEMORANDUM in support of motion for class certification c/s PLTF David Smith eod 10/07/97 [SWM]
- 10/15/1997 62 MOTION FOR TIME TO file response to David Smith's reply memorandum in support of motion for class certification. cs DEFTS eod 10/15/97 [DLD]
- 10/15/1997 63 ORDER grants the DEFTS time to file response 14 days from the date of this order. cm LJM eod 10/15/97 [DLD]
- 10/22/1997 64 APPEARANCE of John R Maley, Stanley C Fickle and Nathan A Baker on behalf of DEFTS c/s eod 10/23/97 [SWM]

10/23/1997	65	NOTICE OF FILING additional affidavits in support of motion for class certification c/s PLTFS eod 10/27/97 [SWM]
10/23/1997	=	AFFIDAVIT of A.T. Simpson eod 10/27/97 [SWM]
10/23/1997	=	AFFIDAVIT of Les Neufeld eod 10/27/97 [SWM]
10/27/1997	66	MOTION FOR TIME TO respond to PLTF David Smith's reply memorandum in support of motion for class certification c/s DEFTS eod 10/28/97 [SWM]
10/30/1997	67	ORDER grants the defts time to respond to and including 11/23/97. cm LJM eod 10/30/97 [DLD]
10/27/1997	68	ENTRY - Status conference held and concluded c/m sdw VSS eod 10/31/97 [SWM]
10/27/1997	=	ENTRY ASSIGNS CONF to 12/10/97 at 09:00AM Room 256 (VSS) c/m (Settlement Conference) eod 10/31/97 [SWM]
10/27/1997	=	ENTRY - Parties shall appear by counsel and in person and shall submit (not file) a confidential statement to the Mag Judge setting forth their respective settlement positions on or before 12/8/97 c/m sdw VSS eod 10/31/97 [SWM]
12/02/1997	69	MOTION FOR TIME TO file reply brief in opposition to pltfs' amended motion for class certification c/s DEFTS eod 12/02/97 [SWM]
12/05/1997	70	ORDER grants the defts time to file reply brief in opposition to pltfs' amended motion for class certification to and including to and including 12/27/97. cm LJM eod 12/05/97 [DLD]
12/10/1997	71	ENTRY - Settlement conference held and continued to provide the parties with the opportunity to consider a proposed settlement c/m sdw VSS eod 12/12/97 [SWM]
01/27/1998	72	MOTION for settlement conference with Mag Judge c/s PLTFS eod 01/28/98 [SWM]
01/29/1998	73	ORDER ASSIGNS CONF to 02/10/98 at 12:00PM Room 256 (VSS) c/m sdw (Status conference) eod 01/29/98 [SWM]
02/06/1998	74	ENTRY VACATES CONF of 02/10/98 at 12:00PM Room 256 (VSS) c/m eod 02/06/98 [SWM]
02/06/1998	=	ENTRY REASSIGNS CONF to 02/10/98 at 10:00AM Room 256 (VSS) c/m sdw (Status Conference) eod 02/06/98 [SWM]
02/10/1998	75	ENTRY - Status conference held and concluded w/o further order c/m sdw VSS eod 02/12/98 [SWM]
04/17/1998	76	STIPULATION of the parties to settle all issues after approval by the class/stipulation to class certification/stipulation and notice to the class - PARTIES eod 04/17/98 [SWM]
04/21/1998	77	ORDER certifying cause as a class action and approving notice to the class. (SO) cm LJM eod 04/21/98 [DLD]
06/29/1998	78	MOTION TO ASSESS Liquidated Damages cs/PLTFS eod 06/30/98 [SJD]
06/29/1998	79	MOTION TO ALLOW Pleading to be Filed Under Seal cs/PLTFS eod 06/30/98 [SJD]

06/30/1998	80	ORDER - Pltfs' Motion to Assess Liquidated Damages is sealed until further order of the Court. Pleading docketed under docket #78 is hereby SEALED. cm/LJM eod 06/30/98 [SJD]
07/17/1998	81	APPEARANCE of Susan M. Zoeller on behalf of the DEFTS. cs eod 07/17/98 [DLD]
07/17/1998	82	MOTION FOR TIME TO respond to motion for liquidated damages. cs DEFTS eod 07/17/98 [DLD]
07/21/1998	83	ORDER grants the defts time to respond to motion for liquidated damages to August 17, 1998. cm LJM eod 07/21/98 [DLD]
07/31/1998	84	Motion to Approve Stipulation of the Parties following notice to the class. cs PLTF eod 07/31/98 [DLD]
08/03/1998	85	ORDER APPROVES Parties' Stipulation to settle all issues - cm LJM eod 08/04/98 [AP]
08/17/1998	86	RESPONSE to pltfs' motion for liquidated damages. cs DEFT eod 08/17/98 [DLD]
08/27/1998	87	MOTION FOR TIME TO reply to defts' response to pltfs' motion to assess liquidated damages cs PLTFS eod 08/27/98 [LMW]
08/28/1998	88	ORDER - GRANTS pltfs to and including 9/20/98 to submit reply to defts' response to plts' motion to assess liquidated damages cm/LJM eod 08/28/98 [SJD]
09/21/1998	89	RESPONSE to deft's resonse to pltfs' motion to assess liquidated damages. cs PLTFS eod 09/22/98 [DLD]
09/21/1998	90	MOTION to Conduct attorney conference. cs PLTFS eod 09/22/98 [DLD]
09/22/1998	91	ORDER ASSIGNS CONF to 10/08/98 at 10:00AM Room 204 (LJM) c/m Re: Attorney Conference eod 09/22/98 [DLD]
09/28/1998	92	MOTION FOR CONT OF SCHEDULED Attorney Conference. cs PLTFS eod 09/28/98 [DLD]
10/06/1998	93	ORDER VACATES CONF of 10/08/98 at 10:00AM Room 204 (LJM) c/m eod 10/06/98 [DLD]
10/06/1998	=	ORDER REASSIGNS CONF to 10/20/98 at 08:30AM Room 202 (LJM) c/m Re: Attorney Conference eod 10/06/98 [DLD]
10/20/1998	94	ENTRY - Attorney conference held. cm LJM eod 10/20/98 [DLD]
02/23/1999	95	NOTICE OF FILING of confidential settlement agreement and request that it be sealed c/s PLTFS eod 02/23/99 [SWM]
02/24/1999	96	ORDER grants the motion to file settlement agreement under seal. cm LJM eod 02/24/99 [DLD]
03/02/1999	97	RESPONSE to pltfs' notice to Court concerning liquidated damages issues c/s DEFT City of Carmel eod 03/02/99 [SWM]
02/23/1999	98	NOTICE to Court concerning liquidated damages issue and request to enter liquidated damages amount of \$20,000.00. cs PLTFS eod 04/06/99 [DLD]

04/06/1999 99 ORDER DENIES the pltfs' motion to assess liquidated damages. eod 04/06/99 [DLD]

04/06/1999 = CLOSED Dismissed Settled (SO) cm LJM eod 04/06/99 [DLD]

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