

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:08-cv-00431-LJM-DML**

KRESS et al v. CCA OF TENNESSEE, LLC et al
Assigned to: Judge Larry J. McKinney
Referred to: Magistrate Judge Debra McVicker Lynch
Case in other court: 7th Circuit, 11-02947
7th Circuit, 11-02950

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

ALAN KRESS

*on their own behalf and on behalf of a
class of those similarly situated*

Date Filed: 04/02/2008
Date Terminated: 04/13/2011
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions –
Prison Condition
Jurisdiction: Federal Question

represented by **Adam Lenkowsky**
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Plaintiff

BILLY FORD

*on their own behalf and on behalf of a
class of those similarly situated*

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Plaintiff

RANDY CARR

*on their own behalf and on behalf of a
class of those similarly situated*

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Plaintiff

TIMOTHY-PATRICK TREACY

*on their own behalf and on behalf of a
class of those similarly situated*

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V.

Defendant

CCA OF TENNESSEE, LLC

doing business as
**CORRECTIONS CORPORATION OF
AMERICA**

represented by **Michael Rosiello**
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Defendant

**MARION COUNTY SHERIFF
FRANK ANDERSON**

represented by **Anthony W. Overholt**
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Defendant

VIRGINIA LEE

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William A. Hahn
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ATTORNEY TO BE NOTICED

Defendant

TIMOTHY LITTLE

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Defendant

WARDEN JEFF CONWAY

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William A. Hahn
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Defendant

DR. NEIL PROBST

represented by **Michael Rosiello**
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William A. Hahn
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/02/2008	<u>1</u>	COMPLAINT against all defendants, filed by all plaintiffs.(DWH) (Entered: 04/03/2008)
04/02/2008	<u>2</u>	CIVIL COVER SHEET, filed by Plaintiffs ALAN KRESS, BILLY FORD, ERIC STAGGS, TIMOTHY-PATRICK TREACY and RANDY CARR. (DWH) Modified on 4/3/2008 (DWH). (Entered: 04/03/2008)

04/02/2008	<u>3</u>	RECEIPT #IP006375 in the amount of \$ 350.00 (DWH) (Entered: 04/03/2008)
04/02/2008	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DWH) (Entered: 04/03/2008)
04/02/2008	<u>5</u>	Summons Issued as to CCA OF TENNESSEE, LLC, and MARION COUNTY SHERIFF FRANK ANDERSON. (DWH) (Entered: 04/03/2008)
04/07/2008	<u>6</u>	NOTICE of Appearance by Jonathan Lamont Mayes on behalf of Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Mayes, Jonathan) (Entered: 04/07/2008)
04/07/2008	<u>7</u>	NOTICE of Parties' First Extension of Time, filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Mayes, Jonathan) (Entered: 04/07/2008)
04/17/2008	<u>8</u>	RETURN of Personal Service, filed by all plaintiffs. CCA OF TENNESSEE, LLC served on 4/2/2008; MARION COUNTY SHERIFF FRANK ANDERSON served on 4/2/2008. (Ogden, Paul) (Entered: 04/17/2008)
04/18/2008	<u>9</u>	NOTICE of Appearance by William A. Hahn on behalf of Defendant CCA OF TENNESSEE, LLC. (Hahn, William) (Entered: 04/18/2008)
04/18/2008	<u>10</u>	NOTICE of Appearance by Michael Rosiello on behalf of Defendant CCA OF TENNESSEE, LLC. (Rosiello, Michael) (Entered: 04/18/2008)
04/18/2008	<u>11</u>	NOTICE of Parties' First Extension of Time, filed by Defendant CCA OF TENNESSEE, LLC. (Hahn, William) (Entered: 04/18/2008)
04/20/2008	<u>12</u>	MOTION <i>for Rule to Show Cause As To Why Defendant CCA and Warden Jeff Conway Should Not Be Held in Contempt and Sanctioned for Retaliation Against Named Plaintiffs</i> , filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Exhibit A (Affidavits of Named Plaintiffs), # <u>2</u> Text of Proposed Order Setting Hearing (Ogden, Paul) Modified on 4/21/2008 (LSC). (Entered: 04/20/2008)
04/21/2008	<u>13</u>	Emergency MOTION <i>to Order CCA to Immediately Transport Plaintiff Eric Staggs for Medical Review and Treatment</i> , filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Text of Proposed Order Order on Verified Emergency Motion to Order CCA to Immediately Transport Plaintiff Eric Staggs for Medical Review and Treatment)(Ogden, Paul) (Entered: 04/21/2008)
04/21/2008	<u>14</u>	ORDER re <u>12</u> Motion for Rule to Show Cause – The motion does not identify a court order the defendants might have violated. The court proposes to treat pltf's motion as one for a temporary restraining order with notice. SCHEDULING ORDER – Hearing on motion set for 4/29/2008 at 03:00 PM in room #344 before Judge David Frank Hamilton. The court will issue one or more orders to ensure that the named plaintiffs can be present (to testify if needed). Signed by Judge David Frank Hamilton on 4/21/2008.(LSC) (Entered: 04/21/2008)
04/21/2008	<u>15</u>	Courtroom Minutes for proceedings held before Judge David F. Hamilton on 04/21/2008. Hearing held to address Emergency Motion to Order CCA to Immediately Transport Plaintiff Eric Staggs for Medical Review and Treatment; arguments presented, Dr. Propst testified; for the reasons stated on the record, the Court denied the Motion <u>13</u> . (CEB) (Entered: 04/21/2008)
04/24/2008	<u>16</u>	ORDER to Produce Inmates at Court Proceeding on 4/29/2008 re defts KRESS, STAGGS, CARR, FORD and TREACY. Signed by Judge David Frank Hamilton on 4/24/2008. c/m(LSC) (Entered: 04/24/2008)
04/28/2008	<u>17</u>	AMENDED COMPLAINT against all defendants, filed by all plaintiffs.(Ogden, Paul) (Entered: 04/28/2008)
04/30/2008	<u>18</u>	Courtroom Minutes for hearing at which the Court (Judge David Frank Hamilton) denied <u>12</u> Motion for Rule to Show Cause as to Why Defendant CCA and Warden Jeff Conway Should Not Be Held in Contempt and Sanctioned for Retaliation Againt Named Plaintiffs. Plaintiffs called as witnesses Jeff Conway, Amy Shovan,

		Alan Kress, Billy Ford, Dr. Neil Propst, Eric Staggs, Timothy–Patrick Treacy and Randy Carr; plaintiffs rested; defendant CCA called as witnesses Amy Shovan and Michelle Ryder; defendant CCA rested; arguments presented; motion denied. Court Reporter F. Pratt. (CEB) (Entered: 04/30/2008)
05/01/2008	<u>19</u>	NOTICE of Filing of <i>Motion for Consolidation</i> by all plaintiffs (Attachments: # <u>1</u> Exhibit A – Motion for Consolidation) (Lenkowsky, Adam) (Entered: 05/01/2008)
05/05/2008	<u>20</u>	NOTICE of Parties' First Extension of Time, filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Mayes, Jonathan) (Entered: 05/05/2008)
05/05/2008	<u>21</u>	Summons Issued as to VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST. (LSC) (Entered: 05/05/2008)
05/12/2008	<u>22</u>	NOTICE to Court of Violation of Court's Rule Against Use of Camera Cell Phones, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY–PATRICK TREACY, ERIC STAGGS, RANDY CARR (Ogden, Paul) (Entered: 05/12/2008)
05/16/2008	<u>23</u>	NOTICE Response to Plaintiffs' " <i>Notice to Court of Violation of Court's Rule Against Use of Camera Cell Phone</i> ", filed by Defendants CCA OF TENNESSEE, LLC, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST, re <u>22</u> Notice (Other). (Hahn, William) (Entered: 05/16/2008)
05/17/2008	<u>24</u>	AFFIDAVIT in Support of Notice to Court of Violation of Court's Rule Against Use of Camera Cell Phones by all plaintiffs. (Ogden, Paul) (Entered: 05/17/2008)
05/22/2008	<u>25</u>	NOTICE of Appearance by Michael Rosiello on behalf of Defendants VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST. (Rosiello, Michael) (Entered: 05/22/2008)
05/22/2008	<u>26</u>	NOTICE of Appearance by William A. Hahn on behalf of Defendants VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST. (Hahn, William) (Entered: 05/22/2008)
05/22/2008	<u>27</u>	ANSWER to <u>17</u> Amended Complaint, filed by MARION COUNTY SHERIFF FRANK ANDERSON.(Mayes, Jonathan) (Entered: 05/22/2008)
05/22/2008	<u>28</u>	ANSWER to Amended Complaint, filed by Defendants VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST. (Hahn, William) (Entered: 05/22/2008)
06/12/2008	<u>29</u>	MOTION to Certify Class, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY–PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Text of Proposed Order)(Lenkowsky, Adam) (Entered: 06/12/2008)
06/12/2008	<u>30</u>	BRIEF/MEMORANDUM in Support re <u>29</u> MOTION to Certify Class, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY–PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Lenkowsky, Adam) (Entered: 06/12/2008)
06/13/2008	<u>31</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 7/3/2008 08:30 AM in room #277 before Magistrate Judge William T. Lawrence. Signed by Magistrate Judge William T. Lawrence on 6/13/08.(JHO) (Entered: 06/13/2008)
06/18/2008	<u>32</u>	MOTION for Extension of Time to file response to <u>29</u> MOTION to Certify Class , filed by Defendants CCA OF TENNESSEE, LLC, VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST, MARION COUNTY SHERIFF FRANK ANDERSON. (Attachments: # <u>1</u> Text of Proposed Order)(Rosiello, Michael) Modified on 6/19/2008 (LSC). (Entered: 06/18/2008)
06/19/2008	<u>33</u>	ORDER granting <u>32</u> Defendants' motion for an enlargement of time to respond to Plaintiffs' Motion for Class Certification, to a date to be determined at the Initial Pretrial Conference scheduled for July 3, 2008. Signed by Magistrate Judge William T. Lawrence on 6/19/08. (TMA) (Entered: 06/19/2008)
06/26/2008	<u>34</u>	CASE MANAGEMENT PLAN TENDERED, filed by Defendants CCA OF TENNESSEE, LLC, VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST, MARION COUNTY SHERIFF FRANK

		ANDERSON. (Hahn, William) (Entered: 06/26/2008)
06/26/2008	<u>35</u>	CASE MANAGEMENT PLAN TENDERED, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Ogden, Paul) (Entered: 06/26/2008)
07/01/2008	<u>36</u>	Entry for July 1, 2008 – The initial pretrial conf set for Thursday, July 3, 2008, at 8:30 a.m. is hereby vacated. (see entry). Signed by Judge William T. Lawrence on 7/1/2008.(MRI) (Entered: 07/01/2008)
07/08/2008	<u>37</u>	Reassignment of Case to Magistrate Judge Tim A. Baker. Judge William T. Lawrence no longer assigned to the case. Please include the new case number (1:08-cv-431-DFH-TAB), which includes the initials of the newly assigned judge, on all future filings in this matter. (WMK) (Entered: 07/08/2008)
07/09/2008	<u>38</u>	MOTION to Certify State Law Questions for Indiana Supreme Court, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Ogden, Paul) (Entered: 07/09/2008)
07/09/2008	<u>39</u>	BRIEF/MEMORANDUM in Support re <u>38</u> MOTION to Certify State Law Questions for Indiana Supreme Court, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Exhibit A (State Regulation – Grievance Policy), # <u>2</u> Exhibit B (State Regulation – Mail Procedure), # <u>3</u> Exhibit C (CCA Grievance Policy), # <u>4</u> Exhibit D (CCA Mail Policy), # <u>5</u> Exhibit E (Sheriff's Grievance Policy), # <u>6</u> Exhibit F (Sheriff's Mail Policy))(Ogden, Paul) (Entered: 07/09/2008)
07/13/2008	<u>40</u>	AMENDED BRIEF/MEMORANDUM in Support re <u>38</u> MOTION to Certify State Law Questions for Indiana Supreme Court Amended, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Exhibit A (Indiana Jail Grievance Regulation), # <u>2</u> Exhibit B (Indiana Jail Mail Handling Regulation, # <u>3</u> Exhibit C (CCA's Grievance Policy), # <u>4</u> Exhibit D (CCA's Mail Handling Policy), # <u>5</u> Exhibit E (Sheriff's Greivance Policy), # <u>6</u> Exhibit F (Sheriff's Mail Handling Policy))(Ogden, Paul) Modified on 7/14/2008 (LBK). (Entered: 07/13/2008)
07/25/2008	<u>41</u>	RESPONSE in Opposition re <u>38</u> MOTION to Certify State Law Questions for Indiana Supreme Court, filed by Defendants CCA OF TENNESSEE, LLC, VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, DR. NEIL PROBST. (Hahn, William) (Entered: 07/25/2008)
08/01/2008	<u>42</u>	REPLY in Support of Motion re <u>38</u> MOTION to Certify State Law Questions for Indiana Supreme Court to Certify State Law Questions for Indiana Supreme Court, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Ogden, Paul) (Entered: 08/01/2008)
10/17/2008	<u>43</u>	ORDER denying <u>38</u> Plaintiffs' Motion to Certify State Law Questions. Signed by Judge David Frank Hamilton on 10/17/2008. (LBK) (Entered: 10/17/2008)
10/24/2008	<u>44</u>	Reassignment of Case to Magistrate Judge Debra McVicker Lynch. Magistrate Judge Tim A. Baker no longer assigned to the case. Please include the new case number (1:08-cv-0431-DFH-DML), which includes the initials of the newly assigned judge, on all future filings in this matter. (TMA) (Entered: 10/24/2008)
10/24/2008	<u>45</u>	MOTION for Reconsideration re <u>43</u> Order on Motion to Certify State Law Questions, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Ogden, Paul) (Entered: 10/24/2008)
10/25/2008	<u>46</u>	MOTION to Dismiss Named Plaintiff Timothy-Patrick Treacy, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Text of Proposed Order Order on Motion to Dismiss Named Plaintiff)(Ogden, Paul) (Entered: 10/25/2008)
10/30/2008	<u>47</u>	ORDER granting <u>46</u> Motion to Dismiss Plaintiff Timothy-Patrick Treacy as Named Plaintiff. Signed by Judge David Frank Hamilton on 10/30/2008. (LBK) (Entered: 10/30/2008)

11/14/2008	<u>48</u>	NOTICE to File Corporate Disclosure Statement to CCA OF TENNESSEE, LLC. (LAB) (LBK) (Entered: 11/14/2008)
11/14/2008	<u>49</u>	ORDER denying <u>45</u> Motion for Reconsideration re <u>43</u> Order on Motion to Certify State Law Questions filed by RANDY CARR, ERIC STAGGS, TIMOTHY-PATRICK TREACY, ALAN KRESS, BILLY FORD. Signed by Judge David Frank Hamilton on 11/14/2008. (LBK) (Entered: 11/14/2008)
11/14/2008	<u>50</u>	Corporate Disclosure Statement by CCA OF TENNESSEE, LLC identifying Corporate Parent CORRECTIONS CORPORATION OF AMERICA for CCA OF TENNESSEE, LLC.. (Hahn, William) (Entered: 11/14/2008)
11/18/2008	<u>51</u>	MOTION for Recusal, filed by Plaintiffs ALAN KRESS, BILLY FORD, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Text of Proposed Order Order on Plaintiffs' Motion to Recuse)(Ogden, Paul) (Entered: 11/18/2008)
12/11/2008	<u>52</u>	ORDER denying <u>51</u> Motion to Disqualify. Signed by Judge David Frank Hamilton on 12/11/2008. (LBK) (Entered: 12/11/2008)
01/08/2009	<u>53</u>	SCHEDULING ORDER: Pretrial Conference set for 2/3/2009 04:30 PM in room #316 before Magistrate Judge Debra McVicker Lynch. Signed by Magistrate Judge Debra McVicker Lynch on 1/8/09. (TMA) (Entered: 01/09/2009)
01/09/2009	<u>54</u>	SCHEDULING ORDER: Telephonic Scheduling Conference set for Monday, January 12, 2009, at 09:30 AM before Judge David Frank Hamilton. Issued by Judge David Frank Hamilton on 1/9/09.(WJC) (Entered: 01/09/2009)
01/12/2009	<u>55</u>	Minute Entry for proceedings held before Judge David Frank Hamilton: Status Conference held on 1/12/2009. (WJC) (Entered: 01/13/2009)
01/16/2009	<u>56</u>	MOTION to Reinstate Timothy-Patrick Treacy as Named Plaintiff, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Attachments: # <u>1</u> Affidavit of Tim Treacy (Exhibit A), # <u>2</u> Text of Proposed Order)(Ogden, Paul) Modified on 1/20/2009 (LBK). (Entered: 01/16/2009)
02/02/2009	<u>57</u>	ENTRY on Case Management Issues. Briefing on Motion for Class Certification is STAYED (See Entry). Signed by Magistrate Judge Debra McVicker Lynch on 2/2/09. (TMA) (Entered: 02/02/2009)
02/04/2009	<u>58</u>	Minute Entry for proceedings held before Magistrate Judge Debra McVicker Lynch: Pretrial Conference held on 2/3/09. (See Entry) (TMA) (Entered: 02/05/2009)
02/19/2009	<u>59</u>	ENTRY on Discovery Issue raised at the 2/3/09 Pretrial Conference (S.E.). Signed by Magistrate Judge Debra McVicker Lynch on 2/19/2009.(MAC) (Entered: 02/19/2009)
02/27/2009	<u>60</u>	ORDER granting <u>56</u> Motion to Reinstate Timothy-Patrick Treacy as Named Plaintiff. Signed by Judge David Frank Hamilton on 2/27/2009. (LBK) (Entered: 02/27/2009)
03/02/2009	<u>61</u>	MOTION for Reconsideration re <u>59</u> Entry on Discovery Issue Raised at February 3, 2009 Pretrial Conference, filed by Plaintiffs ALAN KRESS, BILLY FORD, TIMOTHY-PATRICK TREACY, ERIC STAGGS, RANDY CARR. (Ogden, Paul) (Entered: 03/02/2009)
03/05/2009	<u>62</u>	TRANSCRIPT of Proceedings held on 4-29-08, before Judge David Frank Hamilton. Court Reporter/Transcriber Fred Pratt, Telephone number (317) 916-8209. 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.. Redaction Statement due 3/26/2009. Release of Transcript Restriction set for 6/3/2009. (Pratt, Fred) Released on 6/3/2009 (TLH). (Entered: 03/05/2009)
03/05/2009	<u>63</u>	NOTICE of FILING of OFFICIAL TRANSCRIPT of Proceedings held before Judge David Frank Hamilton on 04-29-08. (Pratt, Fred) (Entered: 03/05/2009)

04/13/2009	<u>64</u>	ORDER denying <u>61</u> Plaintiffs' Motion to Reconsider Court's Entry on Discovery Issue Raised at February 3, 2009 Pretrial Conference. (See Order) Signed by Magistrate Judge Debra McVicker Lynch on 4/13/2009. (TMA) (Entered: 04/14/2009)
05/12/2009	<u>65</u>	MOTION <i>Agreed Motion to Amend Hearing Briefing Schedule regarding Plaintiffs' Exhaustion of Administrative Remedies</i> , filed by Defendant CCA OF TENNESSEE, LLC. (Attachments: # <u>1</u> Text of Proposed Order Order Regarding Agreed Motion)(Hahn, William) (Entered: 05/12/2009)
05/13/2009	<u>66</u>	ORDER granting <u>65</u> agreed motion by the parties seeking to enlarge the schedule for submitting hearing briefs by fourteen (14) days. (See Order.) Signed by Magistrate Judge Debra McVicker Lynch on 5/13/2009. (TMA) (Entered: 05/13/2009)
05/29/2009	<u>67</u>	PRETRIAL MEMORANDUM by CCA OF TENNESSEE, LLC. (Hahn, William) (Entered: 05/29/2009)
06/19/2009	<u>68</u>	TRIAL BRIEF <i>REGARDING CCA'S FAILURE TO MAKE GRIEVANCE PROCESS AVAILABLE TO PLAINTIFFS</i> by all plaintiffs. (Ogden, Paul) (Entered: 06/19/2009)
06/26/2009	<u>69</u>	TRIAL BRIEF <i>Reply</i> by CCA OF TENNESSEE, LLC, VIRGINIA LEE, TIMOTHY LITTLE, WARDEN JEFF CONWAY, NEIL PROBST. (Hahn, William) (Entered: 06/26/2009)
09/11/2009	<u>70</u>	NOTICE of Appearance by Anthony W. Overholt on behalf of Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Overholt, Anthony) (Entered: 09/11/2009)
11/29/2009	<u>71</u>	Reassignment of Case to Judge Larry J. McKinney. Judge David Frank Hamilton no longer assigned to the case. Please include the new case number (1:08-cv-00431-LJM-DML), which includes the initials of the newly assigned judge, on all future filings in this matter. (TRG) (Entered: 11/29/2009)
02/24/2010	<u>72</u>	SCHEDULING ORDER:The Court hereby SETS this matter for an evidentiary hearing on 3/17/2010 at 09:00 AM in room #202 before Judge Larry J. McKinney. Signed by Judge Larry J. McKinney on 2/24/2010.(TRG) (Entered: 02/24/2010)
03/03/2010	<u>73</u>	SCHEDULING ORDER: The Court hereby VACATES the March 17, 2010, evidentiary hearing in this matter(Dkt. No. <u>72</u>) and RESETS it for Thursday, March 18, 2010, at 10:30 a.m., Courtroom 202, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge Larry J. McKinney on 3/3/2010.(TRG) (Entered: 03/05/2010)
03/15/2010	<u>74</u>	ORDER to Produce Inmate at Court Proceeding – Superintendent ordered to produce Alan Kress on 3/18/2010. Signed by Judge Larry J. McKinney on 3/15/2010.(TRG) (Entered: 03/16/2010)
03/15/2010	<u>75</u>	ORDER to Produce Inmate at Court Proceeding – Superintendent ordered to produce Randy Carr on 3/18/2010. Signed by Judge Larry J. McKinney on 3/15/2010.(TRG) (Entered: 03/16/2010)
03/15/2010	<u>76</u>	***VACATED PURSUANT TO ENTRY DATED 3/17/2010***ORDER to Produce Inmate at Court Proceeding – Superintendent ordered to produce Eric Staggs on 3/18/2010. Signed by Judge Larry J. McKinney on 3/15/2010.(TRG) Modified on 3/17/2010 (TRG). (Entered: 03/16/2010)
03/17/2010	<u>77</u>	ENTRY Vacating Order to Produce Eric Staggs for Court Proceeding – The Order issued requiring the custodian of Eric Staggs, DOC #914569, to produce Mr. Staggs at a hearing to be conducted on March 18, 2010, is VACATED. No other order to produce issued for the production of any other inmate is affected by this Entry. Signed by Judge Larry J. McKinney on 3/17/2010.(TRG) (Entered: 03/17/2010)
03/17/2010	<u>78</u>	STIPULATION, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY-PATRICK TREACY, Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, MARION COUNTY SHERIFF FRANK ANDERSON, NEIL PROBST.

		(Attachments: # <u>1</u> Exhibit A – Marion County Sheriff's Grievance Procedure)(Lenkowsky, Adam) (Entered: 03/17/2010)
03/18/2010	<u>79</u>	ENTRY for evidentiary hearing held before Judge Larry J. McKinney on 3/18/2010: Plaintiff, Eric Staggs, appeared by counsel, and plaintiffs, Alan Kress, Billy Ford, Timothy–Patrick Treacy, and Randy Carr, appeared in person and by counsel. Defendants, CCA of Tennessee, LLC d/b/a Corrections Corporation of America, Neil Probst, Timothy Little, and Marion County Sheriff Frank Anderson, appeared by counsel, and defendants, Warden Jeff Conway and Virginia Lee, appeared in person and by counsel. The Court heard testimony, admitted evidence, heard argument, and took the matter under advisement. The Court also took the admissibility of testimony previously given in a preliminary injunction hearing under advisement. (Court Reporter Cathy Jones.) (TRG) (Entered: 03/22/2010)
03/22/2010	<u>80</u>	NOTICE of Additional Evidence Regarding Effect of Grievances on CCA's Accreditation, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY–PATRICK TREACY (Attachments: # <u>1</u> Exhibit 1 (ALDF Outcome Measure Worksheet)) (Ogden, Paul) (Entered: 03/22/2010)
03/26/2010	<u>81</u>	RESPONSE re <u>80</u> Notice (Other) of Additional Evidence Regarding Effect of Greivances [sic] on CCA's Accreditation, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 03/26/2010)
04/05/2010	<u>82</u>	NOTICE of Reply in Support of Submission of Additional Evidence, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY–PATRICK TREACY, re <u>80</u> Notice (Other). (Ogden, Paul) (Entered: 04/05/2010)
05/14/2010	<u>83</u>	NOTICE of Substitution of Appearance by Marc Pe–Caine Sultzer replacing Jonathan L. Mayes on behalf of MARION COUNTY SHERIFF FRANK ANDERSON (Sultzer, Marc) (Entered: 05/14/2010)
05/18/2010	<u>84</u>	ENTRY approving <u>83</u> Notice of Substitution of Appearance filed by MARION COUNTY SHERIFF FRANK ANDERSON. Attorney Jonathan Lamont Mayes terminated. Signed by Judge Larry J. McKinney on 5/18/2010. (Marginal Notation)(TRG) (Entered: 05/18/2010)
07/02/2010	<u>85</u>	ORDER – The stay on discovery and briefing in this case (Dkt. No. 57) is LIFTED. A telephonic status conference is set before Magistrate Judge Lynch on Wednesday, July 21, 2010, at 10:30 a.m. Counsel shall call 317–229–3630. The parties shall confer and file a proposed Case Management Plan by Friday, July 16, 2010, which they shall be prepared to discuss at the status conference. The parties shall proceed in accordance with the foregoing findings of facts and conclusions of law. In addition, Defendants' motion to admit certain testimony that was given at the hearing held on Plaintiffs' Motion for Rule to Show Cause is DENIED AS MOOT. See order for specific details. Signed by Judge Larry J. McKinney on 7/2/2010.(REO) (Entered: 07/02/2010)
07/14/2010	<u>86</u>	NOTICE of Appearance by Jennifer Lynn Haley on behalf of Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Haley, Jennifer) (Entered: 07/14/2010)
07/17/2010	<u>87</u>	CASE MANAGEMENT PLAN TENDERED, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY–PATRICK TREACY, Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, MARION COUNTY SHERIFF FRANK ANDERSON, NEIL PROBST. (Ogden, Paul) (Entered: 07/17/2010)
07/17/2010	<u>88</u>	NOTICE Regarding Case Managment Plan, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY–PATRICK TREACY, re <u>87</u> Case Management Plan Tendered by. (Ogden, Paul) (Entered: 07/17/2010)
07/23/2010	<u>89</u>	ORDER: CASE MANAGEMENT PLAN APPROVED AS AMENDED. Discovery due by 12/1/2010. Dispositive Motions due by 1/5/2011. Signed by Magistrate Judge Debra McVicker Lynch on 7/23/2010. c/m (TMA) (Entered: 07/23/2010)

		07/23/2010)
07/23/2010	<u>90</u>	Minute Entry for proceedings held before Magistrate Judge Debra McVicker Lynch: Telephone Status Conference held on 7/21/2010. Telephonic Status Conference set for 10/7/2010 09:30 AM before Magistrate Judge Debra McVicker Lynch. Signed by Magistrate Judge Debra McVicker Lynch. (TMA) (Entered: 07/23/2010)
07/23/2010	<u>91</u>	SCHEDULING ORDER: Having approved the Case Management Plan as amended, the Court hereby sets the Bench Trial to begin on Monday, July 11, 2011, at 9:00 a.m., in Courtroom 202, and the Final Pretrial Conference for Friday, June 24, 2011, at 10:00 a.m., in Room 204, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, at which time counsel shall be prepared to fully discuss the status of the action, including all matters requiring completion preparatory to trial. Signed by Judge Larry J. McKinney on 7/23/2010.(REO) (Entered: 07/23/2010)
08/05/2010	<u>92</u>	MOTION for Permanent Injunction <i>on the Issue of Grievances and to Set Dates Regarding Filing of Fee Petition</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS. (Attachments: # <u>1</u> Text of Proposed Order)(Ogden, Paul) (Entered: 08/05/2010)
08/15/2010	<u>93</u>	MOTION <i>to File Belated Witness and Exhibit List</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit Preliminary Witness and Exhibit List)(Ogden, Paul) (Entered: 08/15/2010)
08/18/2010	<u>94</u>	ORDER: GRANTED <u>93</u> Motion. The witness and exhibit list attached to Plaintiffs' Motion is ordered filed with this Court. Signed by Judge Larry J. McKinney on 8/18/2010. (DWH) (Entered: 08/18/2010)
08/18/2010	<u>95</u>	Witness List and Exhibit List, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY-PATRICK TREACY. (DWH) (Entered: 08/18/2010)
08/20/2010	<u>96</u>	RESPONSE in Opposition re <u>92</u> MOTION for Permanent Injunction <i>on the Issue of Grievances and to Set Dates Regarding Filing of Fee Petition</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Exhibit Exhibit 1: Affidavit of Warden Jeff Conway)(Hahn, William) (Entered: 08/20/2010)
08/27/2010	<u>97</u>	NOTICE <i>Regarding Plaintiff Eric Staggs</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS (Ogden, Paul) (Entered: 08/27/2010)
08/30/2010	<u>98</u>	REPLY in Support of Motion re <u>92</u> MOTION for Permanent Injunction <i>on the Issue of Grievances and to Set Dates Regarding Filing of Fee Petition</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS. (Ogden, Paul) (Entered: 08/30/2010)
09/23/2010	<u>99</u>	Unopposed MOTION for Extension of Time to October 8, 2010 to file response to <u>29</u> MOTION to Certify Class, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Hahn, William) (Entered: 09/23/2010)
10/04/2010	<u>100</u>	ORDER granting <u>99</u> Motion for Extension of Time to File Response to <u>29</u> MOTION to Certify Class. Defendants' response to Plaintiffs' motion for class certification is now due on or before October 8, 2010. Signed by Judge Larry J. McKinney on 10/4/2010. (REO) (Entered: 10/04/2010)
10/12/2010	<u>101</u>	MOTION to Dismiss <i>Eric Staggs as Named Plaintiff</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS. (Attachments: # <u>1</u> Text of Proposed Order)(Ogden, Paul) (Entered: 10/12/2010)
10/12/2010	<u>102</u>	NOTICE <i>Regarding Plaintiff Billy Ford</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS (Ogden, Paul) (Entered: 10/12/2010)

10/14/2010	<u>103</u>	Unopposed MOTION for Extension of Time to 10/22/10 to file response to <u>29</u> MOTION to Certify Class, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Motion for Enlargement)(Hahn, William) (Entered: 10/14/2010)
10/15/2010	<u>104</u>	Minute Entry for proceedings held before Magistrate Judge Debra McVicker Lynch: Telephone Status Conference held on 10/7/10. The time for the defendants' response to the motion for class certification is extended to 10/15/10; the plaintiffs' reply is due 11/01/10. Plaintiff Staggs will file a motion to dismiss his claim; plaintiff Ford withdraws his request to be a class representative. The remaining proposed class representatives are Mr. Kress and Mr. Carr. Signed by Magistrate Judge Debra McVicker Lynch. (TMA) (Entered: 10/15/2010)
10/18/2010	<u>105</u>	ORDER granting <u>103</u> Motion for Extension of Time to File Response to 10/22/2010 re <u>29</u> MOTION to Certify Class. Signed by Magistrate Judge Debra McVicker Lynch on 10/18/2010. (TMA) (Entered: 10/19/2010)
10/22/2010	<u>106</u>	RESPONSE in Opposition re <u>29</u> MOTION to Certify Class, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Exhibit Affidavit of Warden Jeff Conway, # <u>2</u> Exhibit Deposition of Alan Lynn Kress, # <u>3</u> Exhibit Deposition of Randy Carr)(Hahn, William) (Entered: 10/22/2010)
11/08/2010	<u>107</u>	REPLY in Support of Motion re <u>29</u> MOTION to Certify Class, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Exhibit A (Carr Deposition), # <u>2</u> Exhibit B (Kress Deposition), # <u>3</u> Exhibit C (Transcript of April 29, 2008 Hearing))(Ogden, Paul) (Entered: 11/09/2010)
11/16/2010	<u>108</u>	ORDER granting <u>101</u> MOTION to Dismiss <i>Eric Staggs as Named Plaintiff</i> . ERIC STAGGS terminated. Signed by Judge Larry J. McKinney on 11/16/2010.(REO) (Entered: 11/16/2010)
11/16/2010	<u>109</u>	ORDER – Plaintiffs' Motion for the Entry of an Injunction on the Issue of Grievances and to set Dates Regarding the Filing of a Fee Petition <u>92</u> is DENIED. In addition, Counts Five, Six, and Fifteen of Plaintiffs' Amended Complaint, alleging that Defendants violated the grievance processes in the PLRA and Indiana Jail Standards, are DISMISSED. Signed by Judge Larry J. McKinney on 11/16/2010. (REO) (Entered: 11/16/2010)
12/01/2010	<u>110</u>	MOTION for Extension of Time to 40 days after ruling on pending motion for class certification for fact discovery, filed by Defendant CCA OF TENNESSEE, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Hahn, William) (Entered: 12/01/2010)
12/01/2010	<u>111</u>	ORDER granting in part and denying in part <u>29</u> Motion to Certify Class – Class Certification is GRANTED as to Counts Three, Four, Ten, Twelve, Fourteen, Eighteen, and Twenty and DENIED as to all other Counts of Plaintiffs' Amended Complaint. The Court will conditionally certify a class as follows: "Any and all persons currently, or who will be in the future, confined in the Jail #2 facility." Counts One, Two, Seven, Eight, Nine, Eleven, Thirteen, Sixteen, Seventeen, and Nineteen are DISMISSED in their entirety. Additionally, all of Plaintiffs' claims in their individual capacities under Counts Three, Four, Ten, Twelve, Fourteen, Eighteen, and Twenty are DISMISSED as moot. Signed by Judge Larry J. McKinney on 12/1/2010. (See order for further details.) (REO) (Entered: 12/02/2010)
12/02/2010	<u>112</u>	ORDER granting <u>110</u> agreed motion to enlarge the fact discovery period thru 1/11/11. Signed by Magistrate Judge Debra McVicker Lynch on 12/2/2010. (TMA) (Entered: 12/03/2010)
12/10/2010	<u>113</u>	MOTION for Reconsideration re <u>111</u> Order on Motion to Certify Class <i>as to Facility–Wide Order to Eliminate Third Pill Call Round</i> , filed by Plaintiffs RANDY CARR, ALAN KRESS. (Ogden, Paul) (Entered: 12/10/2010)
12/21/2010	<u>114</u>	RESPONSE in Opposition re <u>113</u> MOTION for Reconsideration re <u>111</u> Order on Motion to Certify Class <i>as to Facility–Wide Order to Eliminate Third Pill Call Round</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY,

		VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Exhibit Exhibit A – Affidavit of Neil Propst, # <u>2</u> Exhibit Exhibit B – Alan Kress Deposition Excerpts)(Hahn, William) (Entered: 12/21/2010)
12/31/2010	<u>115</u>	REPLY in Support of Motion re <u>113</u> MOTION for Reconsideration re <u>111</u> Order on Motion to Certify Class <i>as to Facility–Wide Order to Eliminate Third Pill Call Round and REquest for Sanctions for CCA Defendants' Perjured Deposition Testimony</i> , filed by Plaintiffs RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Exhibit A (Dr. Probst's Deposition), # <u>2</u> Exhibit B (Little's Deposition))(Ogden, Paul) (Entered: 12/31/2010)
01/03/2011	<u>116</u>	Unopposed MOTION for Extension of Time to January 24, 2011 <i>for Dispositive Motions Deadline</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Text of Proposed Order Order on Agreed Motion for Enlargement of Dispositive Motions Deadline)(Hahn, William) (Entered: 01/03/2011)
01/06/2011	<u>117</u>	ORDER granting <u>116</u> Motion for Extension of Time to File – dispositive motions are now to be filed on or before January 24, 2011. Signed by Judge Larry J. McKinney on 1/6/2011. (REO) (Entered: 01/06/2011)
01/06/2011	<u>118</u>	RESPONSE in Opposition re <u>113</u> MOTION for Reconsideration re <u>111</u> Order on Motion to Certify Class <i>as to Facility–Wide Order to Eliminate Third Pill Call Round Motion for Sanctions</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 01/06/2011)
01/20/2011	<u>119</u>	Unopposed MOTION for Extension of Time to January 28, 2011 <i>for Dispositive Motions Deadline</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Agreed Motion for Four Day Enlargment of Dispositive Motions Deadline)(Hahn, William) (Entered: 01/20/2011)
01/21/2011	<u>120</u>	ORDER granting <u>119</u> Motion for Extension of Time to File. Dispositive motions are now to be filed on or before January 28, 2011. Signed by Judge Larry J. McKinney on 1/21/2011. (REO) (Entered: 01/24/2011)
01/25/2011	<u>121</u>	ORDER denying <u>113</u> Motion for Reconsideration. Signed by Judge Larry J. McKinney on 1/25/2011. (See order for specific details.) (REO) (Entered: 01/27/2011)
01/28/2011	<u>122</u>	MOTION for Summary Judgment, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Attachments: # <u>1</u> Exhibit A – Plaintiff Alan Kress Response to CCA's Second Set of Interrogatories, # <u>2</u> Exhibit B – Plaintiff Randy Carr's Response to CCA's Second Set of Interrogatories, # <u>3</u> Exhibit C – Randy Carr Deposition Excerpts, # <u>4</u> Exhibit D – Affidavit of Warden Jeff Conway, # <u>5</u> Exhibit E – Alan Kress Deposition Excerpts)(Hahn, William) (Entered: 01/28/2011)
01/28/2011	<u>123</u>	BRIEF/MEMORANDUM in Support re <u>122</u> MOTION for Summary Judgment, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 01/28/2011)
02/28/2011	<u>124</u>	RESPONSE in Opposition re <u>122</u> MOTION for Summary Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Exhibit A (Carr Deposition), # <u>2</u> Exhibit B (Kress Affidavit), # <u>3</u> Exhibit C (Harkness Affidavit), # <u>4</u> Exhibit D (Treacy Affidavit))(Ogden, Paul) (Entered: 02/28/2011)
03/14/2011	<u>125</u>	REPLY in Support of Motion re <u>122</u> MOTION for Summary Judgment, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 03/14/2011)
04/01/2011	<u>126</u>	MOTION for Extension of Time to April 7, 2011, filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Attachments: # <u>1</u> Text of Proposed Order)(Sultzter, Marc) (Entered: 04/01/2011)

04/01/2011	<u>127</u>	Exhibit List, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST, Witness List, filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 04/01/2011)
04/04/2011	<u>128</u>	MOTION for Leave to File <i>Final Witness and Exhibit List</i> , filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS, ERIC STAGGS, TIMOTHY-PATRICK TREACY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(Lenkowsky, Adam) (Entered: 04/04/2011)
04/06/2011	<u>129</u>	Exhibit List <i>Final</i> , filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON, Witness List <i>Final</i> , filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Sultzer, Marc) (Entered: 04/06/2011)
04/08/2011	<u>130</u>	ORDER granting <u>128</u> Motion for Leave to File BELATED FINAL WITNESS AND EXHIBIT LIST. This court having considered said motion and being otherwise duly advised in the premises, grants said Motion. The witness and exhibit list attached to Plaintiffs' Motion is ordered filed with this Court. Signed by Judge Larry J. McKinney on 4/08/2011. (REO) (Entered: 04/12/2011)
04/08/2011	<u>131</u>	Final Witness and Exhibit List, filed by Plaintiffs RANDY CARR, BILLY FORD, ALAN KRESS.(REO) (Entered: 04/12/2011)
04/13/2011	<u>132</u>	ORDER – Defendants' Motion for Summary Judgment <u>122</u> is GRANTED in its entirety. Judgment shall issue accordingly. Signed by Judge Larry J. McKinney on 4/13/2011. (See order for specific details.) (REO) (Entered: 04/14/2011)
04/13/2011	<u>133</u>	CLOSED JUDGMENT – Through an Order dated April 13, 2011, the Court granted summary judgment in favor of defendants, CCA of Tennessee, LLC et al, and against plaintiffs, Alan Kress and Randy Carr on behalf of a class of those similarly situated, on plaintiffs' complaint under 42 U.S.C. § 1983. Judgment is entered accordingly. Signed by Judge Larry J. McKinney on 4/13/2011.(REO) (Entered: 04/14/2011)
05/11/2011	<u>134</u>	MOTION to Amend/Correct <u>132</u> Order on Motion for Summary Judgment, <u>133</u> Closed Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Text of Proposed Order)(Ogden, Paul) (Entered: 05/11/2011)
05/11/2011	<u>135</u>	BRIEF/MEMORANDUM in Support re <u>134</u> MOTION to Amend/Correct <u>132</u> Order on Motion for Summary Judgment, <u>133</u> Closed Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Exhibit A (Roberts and Bishop Attorney Bill))(Ogden, Paul) (Entered: 05/11/2011)
05/25/2011	<u>136</u>	RESPONSE in Opposition re <u>134</u> MOTION to Amend/Correct <u>132</u> Order on Motion for Summary Judgment, <u>133</u> Closed Judgment <i>and Petition for Attorneys' Fees</i> , filed by Defendants CCA OF TENNESSEE, LLC, JEFF CONWAY, VIRGINIA LEE, TIMOTHY LITTLE, NEIL PROBST. (Hahn, William) (Entered: 05/25/2011)
06/06/2011	<u>137</u>	NOTICE of <i>Additional Authority</i> , filed by Plaintiffs RANDY CARR, ALAN KRESS, re <u>135</u> Brief/Memorandum in Support of Motion. (Ogden, Paul) (Entered: 06/06/2011)
06/06/2011	<u>138</u>	REPLY in Support of Motion re <u>134</u> MOTION to Amend/Correct <u>132</u> Order on Motion for Summary Judgment, <u>133</u> Closed Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Ogden, Paul) (Entered: 06/06/2011)
07/26/2011	<u>139</u>	ORDER denying Plaintiffs' <u>134</u> Motion to Amend in its entirety. The 4/13/2011 Order granting summary judgment to Defendants remains in effect (S.O.). Signed by Judge Larry J. McKinney on 7/26/2011. (MAC) (Entered: 07/26/2011)
08/24/2011	<u>140</u>	NOTICE OF APPEAL as to <u>139</u> Order on Motion to Amend/Correct, <u>132</u> Order on Motion for Summary Judgment, <u>133</u> Closed Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. Filing fee \$ 455, receipt number 0756-2075212. (Ogden, Paul) (Entered: 08/24/2011)
08/24/2011	<u>141</u>	DOCKETING STATEMENT by RANDY CARR, ALAN KRESS re <u>140</u> Notice of Appeal (Ogden, Paul) (Entered: 08/24/2011)

08/25/2011	<u>142</u>	SEVENTH CIRCUIT APPEAL INFORMATION SHEET re <u>140</u> Notice of Appeal – Instructions for Attorneys – Parties' Short Record, Instructions, and Designation of Record information attached. (TMA) (Entered: 08/25/2011)
08/25/2011	<u>143</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>140</u> Notice of Appeal. – for Court of Appeals Use Only. (TMA) (Entered: 08/25/2011)
08/25/2011	<u>144</u>	NOTICE OF APPEAL as to <u>139</u> Order on Motion to Amend/Correct, <u>111</u> Order on Motion to Certify Class, <u>132</u> Order on Motion for Summary Judgment, <u>121</u> Order on Motion for Reconsideration, <u>133</u> Closed Judgment, filed by Plaintiffs RANDY CARR, ALAN KRESS. (Ogden, Paul) Modified on 9/22/2011 (WJC). (Entered: 08/25/2011)
08/25/2011	<u>145</u>	DOCKETING STATEMENT by RANDY CARR, ALAN KRESS re <u>144</u> Notice of Appeal (Ogden, Paul) (Entered: 08/25/2011)
08/26/2011	<u>146</u>	SEVENTH CIRCUIT APPEAL INFORMATION SHEET re <u>144</u> Notice of Appeal – Instructions for Attorneys – Parties' Short Record, Instructions, and Designation of Record information attached. (TMA) (Entered: 08/26/2011)
08/26/2011	<u>147</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>144</u> Notice of Appeal. – for Court of Appeals Use Only. (TMA) (Entered: 08/26/2011)
08/26/2011	<u>148</u>	USCA Case Number 11–2947 for <u>140</u> Notice of Appeal filed by RANDY CARR, ALAN KRESS. (TMA) (Entered: 08/26/2011)
08/26/2011	<u>149</u>	USCA Case Number 11–2950 for <u>144</u> Notice of Appeal filed by RANDY CARR, ALAN KRESS. (Attachments: # <u>1</u> Circuit Rule 3(b) Notice)(TMA) (Entered: 08/26/2011)
09/08/2011	<u>150</u>	DESIGNATION of Record on Appeal by RANDY CARR, ALAN KRESS re <u>144</u> Notice of Appeal (Attachments: # <u>1</u> Designation of Documents)(Ogden, Paul) (Entered: 09/08/2011)
09/08/2011	<u>151</u>	SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET by PLTFS re <u>144</u> Notice of Appeal–Not ordering a transcript (CBU) (Entered: 09/12/2011)
09/16/2011	<u>152</u>	****MANDATE IS RECALLED AND THE APPEAL IS REINSTATED***MANDATE of USCA as to <u>144</u> Notice of Appeal filed by RANDY CARR and ALAN KRESS is dismissed for failure to timely pay the required docketing fee (Attachments: # <u>1</u> Certified Copy of Final Order)(CBU) Modified on 9/22/2011 (CBU). (Entered: 09/19/2011)
09/21/2011	<u>153</u>	MANDATE of USCA as to <u>140</u> Notice of Appeal filed by RANDY CARR and ALAN KRESS–Counsel for the appellants has filed motions to dismiss the appeal, reinstate the second and transfer the filing fee and those motions are granted. The mandate in appeal 11–2950 is RECALLED and the appeal is REINSTATED. Appeal 11–2947 is voluntarily dismissed. (Attachments: # <u>1</u> Cert Copy of Order)(CBU) (Entered: 09/22/2011)
10/19/2011	<u>154</u>	MOTION to Withdraw <i>Appearance of Marc Pe–Caine Sultzer</i> , filed by Defendant MARION COUNTY SHERIFF FRANK ANDERSON. (Attachments: # <u>1</u> Text of Proposed Order)(Haley, Jennifer) (Entered: 10/19/2011)
11/02/2011	<u>155</u>	ORDER granting <u>154</u> Motion to Withdraw appearance of Marc Pe–Caine Sultzer on behalf of the deft–Marion County Shefiff Frank Anderson. Signed by Judge Larry J. McKinney on 11/2/2011. (CBU) (Entered: 11/02/2011)
11/23/2011	<u>156</u>	ORDER of USCA as to <u>140</u> Notice of Appeal filed by RANDY CARR, ALAN KRESS – Upon consideration of the MOTION TO DISMISS APPELLANTS BILLY FORD AND TIMOTHY–PATRICK TREACY, filed on November 14, 2011, by counsel for the appellants, IT IS ORDERED that this appeal is DISMISSED, in accordance with Federal Rule of Appellate Procedure 42(b), ONLY AS TO APPELLANTS BILLY FORD AND TIMOTHY–PATRICK TREACY. THIS APPEAL REMAINS ACTIVE as to the other parties. (TMA) (Entered: 11/23/2011)

01/03/2012	<u>157</u>	Certified and Transmitted Record on Appeal to US Court of Appeals, via email, re <u>144</u> Notice of Appeal. (TMA) (Entered: 01/03/2012)
01/03/2012	<u>158</u>	Appeal Remark re <u>144</u> Notice of Appeal : Long record received and docketed by the USCA. (TMA) (Entered: 01/03/2012)
10/09/2012	<u>159</u>	MANDATE of USCA as to <u>144</u> Notice of Appeal filed by RANDY CARR, ALAN KRESS – The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date. (TMA) (Entered: 10/10/2012)

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