

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:24-cv-01423-SEB-CSW**

CROSS v. WYSONG et al
Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Crystal S. Wildeman
Case in other court: Wayne County Superior Court 2, 89D02-
2401-CT-000006
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/20/2024
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**CHARLES CROSS**

represented by **CHARLES CROSS**
109081
INDIANA STATE PRISON
INDIANA STATE PRISON
Inmate Mail/Parcels
One Park Row
MICHIGAN CITY, IN 46360
PRO SE

V.

Defendant**JASON WYSONG**
CAPTAIN

represented by **Jonathan E Halm**
Kightlinger & Gray, LLP
8001 Broadway
Merrillville, IN 46410
219-769-0413
Email: jhalm@k-glaw.com
ATTORNEY TO BE NOTICED

Defendant**FLORENCE**
OFFICER

represented by **Jonathan E Halm**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**ILEF**
SERGEANT

represented by **Jonathan E Halm**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/20/2024	<u>1</u>	NOTICE OF REMOVAL from Wayne County Superior Court 2, case number 89D02-2401-CT-000006, filed by ILEF, FLORENCE, JASON WYSONG. (Filing fee \$405, receipt number AINSDC-8297950) (Attachments: # <u>1</u> State Court Record Docket Sheet,

		Notice of Tort Claim, Amended Tort Claim, Request for Issuance of Subpoena, Order Requiring Plaintiff to Serve all Defendants, # 2 Exhibit 2 - Amended Tort claim Notice, # 3 Exhibit 3 - Civil Cover Sheet)(Kleppel, Kenneth) (Entered: 08/20/2024)
08/20/2024	2	NOTICE of Appearance by Kenneth Jude Kleppel on behalf of Defendants FLORENCE, ILEF, JASON WYSONG. (Kleppel, Kenneth) (Entered: 08/20/2024)
08/20/2024	3	NOTICE of Appearance by Andrew J. Upchurch on behalf of Defendants FLORENCE, ILEF, JASON WYSONG. (Upchurch, Andrew) (Entered: 08/20/2024)
08/21/2024	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (JRB) (Entered: 08/21/2024)
08/21/2024	5	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (JRB) (Entered: 08/21/2024)
08/21/2024	6	NOTICE <i>Supplement to Notice of Removal</i> , filed by Defendants FLORENCE, ILEF, JASON WYSONG (Attachments: # 1 Exhibit 1) (Kleppel, Kenneth) (Entered: 08/21/2024)
08/22/2024	7	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy to plaintiff by U.S. Mail. (MEH) (Entered: 08/22/2024)
08/26/2024	8	MOTION <i>for Extension of Time to Respond to Plaintiff's Complaint</i> , filed by Defendants FLORENCE, ILEF, JASON WYSONG. (Attachments: # 1 Text of Proposed Order) (Kleppel, Kenneth) (Entered: 08/26/2024)
08/26/2024	9	MOTION <i>to Screen Plaintiff's Complaint</i> , filed by Defendants FLORENCE, ILEF, JASON WYSONG. (Attachments: # 1 Text of Proposed Order)(Kleppel, Kenneth) (Entered: 08/26/2024)
08/26/2024	10	MOTION to Stay , filed by Defendants FLORENCE, ILEF, JASON WYSONG. (Attachments: # 1 Text of Proposed Order)(Kleppel, Kenneth) (Entered: 08/26/2024)
09/06/2024	11	ORDER: Plaintiff, who is incarcerated, initiated this action by filing a complaint in state court. Defendants removed the case. They now ask the Court to extend their time to answer, to screen Plaintiff's complaint under 28 U.S.C. § 1915A or its inherent authority, and to stay the case pending screening. Dkts. 8, 9, 10. Those motions, dkts. 8 , 9 , and 10 , are granted to the following extent: The Court will screen Plaintiff's complaint by separate entry in due course. Defendants' deadline to answer or otherwise respond to the complaint is stayed pending screening of the complaint. If any of Plaintiff's claims survive screening, the Court will set a new deadline for Defendants to answer or otherwise respond to the complaint. See Order. Signed by Magistrate Judge Crystal S. Wildeman on 9/6/2024.(Copy mailed to Plaintiff.) (LF) (Entered: 09/06/2024)
12/06/2024	12	Order Screening Complaint and Directing Further Proceedings - This summary of claims includes all of the viable claims identified by the Court. All other claims have been dismissed. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through December 19, 2024, in which to file a motion to reconsider the screening order. The defendants have already appeared. They shall have twenty-one days to answer the complaint. SEE ORDER. Signed by Judge Sarah Evans Barker on 12/6/2024. (Copy to plaintiff via US Mail.) (KAA) (Entered: 12/06/2024)
12/26/2024	13	MOTION for Extension of Time to January 24, 2025 <i>to Respond to the Plaintiff's Complaint</i> , filed by Defendants JASON WYSONG, FLORENCE, ILEF. (Attachments: # 1 Text of Proposed Order Granting Motion for Extension of Time to Respond to the Plaintiff's Complaint)(Upchurch, Andrew) (Entered: 12/26/2024)
12/31/2024	14	ORDER granting 13 Defendants' Motion for Extension of Time. They shall have up to and including January 24, 2025, to answer or otherwise respond to Plaintiff's complaint. Signed

		by Magistrate Judge Crystal S. Wildeman on 12/31/2024. (Copy to plaintiff via US Mail.) (KAA) (Entered: 12/31/2024)
01/14/2025	15	MOTION for Clerk's Entry of Default, filed by Plaintiff CHARLES CROSS. (LF) (Entered: 01/14/2025)
01/14/2025	16	RESPONSE in Opposition re 13 MOTION for Extension of Time to January 24, 2025 <i>to Respond to the Plaintiff's Complaint</i> , filed by Plaintiff CHARLES CROSS. (LF) (Entered: 01/14/2025)
01/14/2025	17	MOTION Requesting Entry of Default, filed by Plaintiff CHARLES CROSS. (LF) (Entered: 01/14/2025)
01/24/2025	18	NOTICE of Appearance by Jonathan E Halm on behalf of Defendants JASON WYSONG, FLORENCE, ILEF. (Halm, Jonathan) (Entered: 01/24/2025)
01/24/2025	19	ANSWER to Complaint , filed by All Defendants.(Halm, Jonathan) (Entered: 01/24/2025)
01/28/2025	20	RESPONSE in Opposition re 17 MOTION, 15 MOTION for Clerk's Entry of Default , filed by Defendants JASON WYSONG, FLORENCE, ILEF. (Kleppel, Kenneth) (Entered: 01/28/2025)
01/28/2025	21	MOTION to Withdraw Attorney Appearance , filed by Defendants JASON WYSONG, FLORENCE, ILEF. (Attachments: # 1 Text of Proposed Order)(Kleppel, Kenneth) (Entered: 01/28/2025)
01/29/2025	22	Entry Directing Development of Exhaustion Defense and Issuing Partial Stay - The defendants have asserted the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit as required by the Prison Litigation Reform Act. The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through March 11, 2025, in which to either: SEE ORDER. The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. Signed by Magistrate Judge Crystal S. Wildeman on 1/29/2025. (Copy to plaintiff via US Mail.) (KAA) (Entered: 01/29/2025)
01/31/2025	23	ORDER Denying Motions for Default - Plaintiff Charles Cross alleges in this lawsuit that his rights were violated when he was confined at the Wayne County Jail. The Court screened his complaint as required by 28 U.S.C. §1915A on December 6, 2024, and directed the defendants to answer the complaint as screened within twenty-one days. Dkt. 12 . The defendants then sought an extension of time to answer. That motion was granted and the defendants then timely filed their answer. Dkt. 13 , 19 . Because the defendants answered within the time provided by the Court, they are not in default and Mr. Cross's motions for default, dkt. 15 , dkt. 17 , are denied.Signed by Judge Sarah Evans Barker on 1/31/2025. Copy mailed to Plaintiff. (BAA) (Entered: 01/31/2025)
01/31/2025	24	ORDER granting 21 Motion to Withdraw Attorney Appearance. Attorney Andrew J. Upchurch withdrawn. SEE ORDER. Signed by Magistrate Judge Crystal S. Wildeman on 1/31/2025. (JRB) (Entered: 01/31/2025)
02/27/2025	25	MOTION for Extension of Time to 4/10/25 <i>TO COMPLY WITH COURTS ORDER OF JANUARY 29, 2025</i> , filed by Defendants JASON WYSONG, FLORENCE, ILEF. (Attachments: # 1 Text of Proposed Order)(Halm, Jonathan) (Entered: 02/27/2025)
03/05/2025	26	ORDER granting 25 Motion for Extension of Time to Comply with Court's Order of January 29, 2025. Defendants shall have up to and including April 10, 2025, in which to either: file a dispositive motion in support of the exhaustion defense (including the Notice required by Local Rule 56-1(k)); file a notice with the Court specifically identifying the fact issue(s) that preclude resolution of this affirmative defense via a dispositive motion and requesting a <i>Pavey</i> hearing; or file a notice with the Court

		withdrawing the exhaustion defense. Signed by Magistrate Judge Crystal S. Wildeman on 3/5/2025 (Copy mailed to Plaintiff). (LBT) (Entered: 03/05/2025)
04/11/2025	27	NOTICE <i>Concerning Exhaustion of Administrative Remedies</i> , filed by Defendants FLORENCE, ILEF, JASON WYSONG (Halm, Jonathan) (Entered: 04/11/2025)
04/14/2025	28	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 11/12/2025. Discovery due by 10/14/2025. SEE ORDER. Signed by Magistrate Judge Crystal S. Wildeman on 4/14/2025.(Copy sent to Plaintiff via US Mail.) (LF) (Entered: 04/14/2025)
04/15/2025	29	MOTION to Withdraw Attorney Appearance , filed by Defendants FLORENCE, ILEF, JASON WYSONG. (Attachments: # 1 Text of Proposed Order)(Kleppel, Kenneth) (Entered: 04/15/2025)
04/17/2025	30	ORDER granting 29 Motion to Withdraw Attorney Appearance. Attorney Kenneth Jude Kleppel withdrawn.. Signed by Magistrate Judge Crystal S. Wildeman on 04/17/2025. Copy to Plaintiff via US Mail. (AAS) (Entered: 04/17/2025)
05/28/2025	31	NOTICE <i>REGARDING SETTLEMENT CONFERENCE</i> , filed by Defendants FLORENCE, ILEF, JASON WYSONG (Halm, Jonathan) (Entered: 05/28/2025)
05/28/2025	32	ORDER SETTING TELEPHONIC STATUS CONFERENCE - Now comes the Court on Defendants' Notice indicating a settlement conference would be beneficial (Dkt. 31) and sets a TELEPHONIC STATUS CONFERENCE for July 16, 2025, at 9:30 a.m. Indianapolis time (EST), before the Honorable Crystal S. Wildeman, United States Magistrate Judge, to discuss scheduling a settlement conference. The information needed by the parties to participate in this telephonic conference will be provided by a separate notification. Additionally, the Court will coordinate Plaintiff's participation with his facility. Signed by Magistrate Judge Crystal S. Wildeman on 05/28/2025. Copy to Plaintiff via US mail. (AJG) (Entered: 05/28/2025)
05/28/2025	33	ORDER TO MAKE INMATE AVAILABLE - You or your designee(s) are ORDERED to make CHARLES CROSS available to participate in a telephonic conference at the time and date specified in this Order. The Court will contact staff at Indiana State Prison to make necessary arrangements to connect Mr. Cross to the call. Inmate: CHARLES CROSS, #109081 Date: JULY 16, 2025 Time: 9:30 A.M. (EASTERN TIME) Expected Duration of Court Proceeding: 30 MINUTES Any questions or information concerning this Order should be brought to the attention of Judge Wildeman's Chambers at 812-434-6420. Copy to Plaintiff via US mail. Signed by Magistrate Judge Crystal S. Wildeman on 05/28/2025. (AJG) (Entered: 05/28/2025)
06/10/2025	34	NOTICE of Service of Initial Disclosures , filed by Defendants FLORENCE, ILEF, JASON WYSONG. (Halm, Jonathan) (Entered: 06/10/2025)

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