

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

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:22-cv-01212-SEB-CSW**

GREER v. REAGLE et al
Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Crystal S. Wildeman
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/15/2022
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**MICHAEL L GREER**

represented by **MICHAEL L GREER**
962733
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant**LISA HAMBLIN**

represented by **Jeb Adam Crandall**
BLEEKE DILLON CRANDALL
ATTORNEYS
8470 Allison Pointe Boulevard
Suite 420
Indianapolis, IN 46250
(317) 567-2222
Fax: (317) 567-2220
Email: jeb@bleekedilloncrandall.com
ATTORNEY TO BE NOTICED

Travis W. Montgomery
Bleeke Dillon Crandall, P.C.
8470 Allison Pointe Blvd.
Suite 420
Indianapolis, IN 46250
317-567-2233
Fax: 317-841-1664
Email: travis@bleekedilloncrandall.com
ATTORNEY TO BE NOTICED

Defendant**CHRISTOPHER ERTEL**represented by **Eric Ryan Shouse**

Lewis And Wilkins LLP

8777 Purdue Rd

Suite 104

Indianapolis, IN 46268

317-636-7460

Email: shouse@lewisandwilkins.com

*ATTORNEY TO BE NOTICED***Jordan Douglas Hall**

Lewis and Wilkins LLP

8777 Purdue Rd

Ste 104

Indianapolis, IN 46268

309-826-9340

Email: hall@lewisandwilkins.com

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/15/2022	<u>1</u>	CONSENT to Prisoner E-Service by MICHAEL L GREER located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by MICHAEL L GREER to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (JSR) (Entered: 06/15/2022)
06/15/2022	<u>2</u>	COMPLAINT against CHRISTOPHER ERTEL, LISA HAMBLLEN, DENNIS REAGLE, AARON SMITH, filed by MICHAEL L GREER. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit)(JSR) (Entered: 06/15/2022)
06/15/2022	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MICHAEL L GREER. (Attachments: # <u>1</u> Exhibit Trust Account Statement)(JSR) (Entered: 06/15/2022)
06/15/2022	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (JSR) (Entered: 06/15/2022)
06/16/2022	<u>5</u>	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. (MEH) (Entered: 06/16/2022)
06/24/2022	<u>6</u>	ORDER - GRANTING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, SCREENING COMPLAINT, AND DIRECTING ISSUANCE OF PROCESS; Mr. Greer's motion for leave to proceed in forma pauperis, dkt. <u>3</u> , is granted. This action will proceed with claims against all defendants based on the ADA, the Rehabilitation Act, and the Eighth Amendment (pursuant to 42 U.S.C. § 1983). All other claims are dismissed for failure to state a claim upon which relief may be granted. The claims discussed in Part II(C) are the only claims the Court has identified in the

		complaint. If Mr. Greer believes he asserted additional claims that the Court did not address, he must notify the Court no later than July 22, 2022. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants in the manner specified by Fed. R. Civ. P. 4(d). Process will consist of the complaint, dkt. 2 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this order. Signed by Judge Sarah Evans Barker on 6/24/2022. Copy Mailed. (CKM) (Entered: 06/27/2022)
06/27/2022	7	NOTICE of Lawsuit & Waiver Issued by Clerk as to 1) Dennis Reagle; 2) Aaron Smith; 3) Christopher Ertel; 4) Lisa Hamblen. (CKM) (Entered: 06/27/2022)
06/27/2022	8	Documents to be Sent via Electronic Notice - re 7 NOTICE of Lawsuit & Waiver Issued by Clerk, 6 Order on Motion for Leave to Proceed in forma pauperis and Service of Process, 2 Complaint Electronic Notice to IDOC. (CKM) (Entered: 06/27/2022)
07/06/2022	9	NOTICE of Appearance by Christopher Andrew Farrington on behalf of Defendant LISA HAMBLEN. (Farrington, Christopher) (Entered: 07/06/2022)
07/06/2022	10	NOTICE of Appearance by Jeb Adam Crandall on behalf of Defendant LISA HAMBLEN. (Crandall, Jeb) (Entered: 07/06/2022)
07/06/2022	11	WAIVER OF SERVICE Returned Executed, filed by LISA HAMBLEN. LISA HAMBLEN waiver sent on 7/5/2022. (Crandall, Jeb) (Entered: 07/06/2022)
07/07/2022	12	MOTION to Clarify, filed by Plaintiff MICHAEL L GREER. (AKH) (Entered: 07/08/2022)
07/19/2022	13	ORDER - DENYING MOTION TO CLARIFY; Michael Greer's motion to clarify, dkt. 12 , appears to summarize the allegations in his complaint. It does not request any action by the Court. Motions must "state the relief sought" and state the reasons for it "with particularity." Because Mr. Greer's motion to clarify, dkt. 12 , does not meet this standard, it is denied. The Court has screened Mr. Greer's complaint and issued process on the defendants. No action is required of him until the defendants answer. If Mr. Greer wishes to add claims or defendants to the action, he must file an amended complaint that completely replaces the original. If he does not wish to add claims or defendants, no amendment is necessary. Signed by Judge Sarah Evans Barker on 7/19/2022. (CKM) (Entered: 07/19/2022)
07/27/2022	14	NOTICE of Appearance by Adrienne Nicole Pope on behalf of Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Pope, Adrienne) (Entered: 07/27/2022)
07/27/2022	15	WAIVER OF SERVICE Returned Executed, filed by AARON SMITH, DENNIS REAGLE, CHRISTOPHER ERTEL. AARON SMITH waiver sent on 6/27/2022; DENNIS REAGLE waiver sent on 6/27/2022; CHRISTOPHER ERTEL waiver sent on 6/27/2022. (Pope, Adrienne) (Entered: 07/27/2022)
08/25/2022	16	ANSWER to 2 Complaint and Statement of Defenses, filed by CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH.(Pope, Adrienne) (Entered: 08/25/2022)
08/26/2022	17	DEFENDANT HAMBLENS ANSWER to 2 Complaint AND STATEMENT OF DEFENSES., filed by LISA HAMBLEN.(Farrington, Christopher) (Entered: 08/26/2022)
08/26/2022	18	First MOTION for Judgment on the Pleadings, PARTIAL, filed by Defendant LISA HAMBLEN. (Attachments: # 1 Text of Proposed Order Granting Motion)(Farrington,

		Christopher) (Entered: 08/26/2022)
08/26/2022	19	BRIEF/MEMORANDUM in Support re 18 First MOTION for Judgment on the Pleadings , <i>PARTIAL</i> , filed by Defendant LISA HAMBLLEN. (Farrington, Christopher) (Entered: 08/26/2022)
09/01/2022	20	ORDER DISCUSSING EXHAUSTION OF ADMINISTRATIVE REMEDIES - Defendant Lisa Hamblen has asserted the affirmative defense that the plaintiff "may have failed to exhaust his administrative remedies under the Prison Litigation Reform Act." Dkt. 17 at 2 (emphasis added). The Court may strike insufficient defenses under Federal Rule of Civil Procedure 12(f). Ms. Hamblen's answer fails to plead an adequate factual basis for the exhaustion defense. Because the exhaustion defense must be resolved before this action can proceed to the merits, <i>White v. Bukowski</i> , 800 F.3d 392, 394 (7th Cir. 2015); <i>Pavey v. Conley</i> , 544 F.3d 739, 742 (7th Cir. 2008), striking the defense if it lacks an adequate factual basis will expedite resolution of this action. Ms. Hamblen will have through September 9, 2022, to file a notice identifying the factual basis for the affirmative defense that the plaintiff failed to exhaust his administrative remedies. Alternatively, she may file a notice withdrawing the defense. The failure to pursue either of these options by the above deadline constitutes an abandonment of the exhaustion defense. Signed by Magistrate Judge Doris L. Pryor on 9/1/2022.(SWM) (Entered: 09/02/2022)
09/07/2022	21	NOTICE OF WITHDRAWAL OF THE AFFIRMATIVE DEFENSE OF FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES, filed by Defendant LISA HAMBLLEN, re 20 Order. (Farrington, Christopher) (Entered: 09/07/2022)
10/03/2022	22	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 5/1/2023. Discovery due by 3/30/2023. Signed by Magistrate Judge Doris L. Pryor on 10/3/2022.(SWM) (Entered: 10/03/2022)
10/24/2022	23	ORDER - GRANTING MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS - Michael Greer, a prisoner at Pendleton Correctional Facility, alleges that he has been deprived of necessary accommodations for his visual impairment. The Court screened Mr. Greer's complaint in June 2022 and found plausible claims under the Eighth Amendment, 42 U.S.C. § 1983, the Americans with Disabilities Act (ADA), and the Rehabilitation Act (RA). Dkt. 6.Ms. Hamblen correctly notes that the defendants cannot be liable under the ADA or the RA in their personal capacities. Therefore, Ms. Hamblen's motion for partial judgment on the pleadings, dkt. 18 , is granted. ADA and RA claims will proceed against the defendants in their official capacities only. Any ADA or RA claims against the defendants in their individual capacities are dismissed for failure to state a claim upon which relief may be granted. Signed by Judge Sarah Evans Barker on 10/24/2022. (CKM) (Entered: 10/25/2022)
11/28/2022	24	NOTICE of Substitution of Appearance by Travis W. Montgomery replacing <i>Christopher A. Farrington</i> on behalf of LISA HAMBLLEN (Montgomery, Travis) (Entered: 11/28/2022)
11/29/2022	25	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Shouse, Eric) (Entered: 11/29/2022)

11/29/2022	26	NOTICE of Service of Initial Disclosures , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Shouse, Eric) (Entered: 11/29/2022)
11/29/2022	27	ORDER - Acknowledges the Appearance of Travis W. Montgomery is hereby substituted for the Appearance of Christopher A. Farrington. Attorney Christopher Andrew Farrington terminated. Signed by Judge Sarah Evans Barker on 11/29/2022. (marginal notation)(CKM) (Entered: 11/30/2022)
12/12/2022	28	MOTION to Withdraw Attorney Appearance , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Attachments: # 1 Text of Proposed Order)(Pope, Adrienne) (Entered: 12/12/2022)
12/12/2022	29	Reassignment of Case to Magistrate Judge Mark J. Dinsmore. Magistrate Judge Doris L. Pryor is no longer assigned to this case. Please include the new case number (1:22-cv-01212-SEB-MJD), which includes the initials of the newly assigned judge, on all future filings in this matter. (RSF) (Entered: 12/12/2022)
12/19/2022	30	ORDER granting 28 Motion to Withdraw Attorney Appearance. Attorney Adrienne Nicole Pope withdrawn. Signed by Magistrate Judge Mark J. Dinsmore on 12/19/2022. (SWM) (Entered: 12/20/2022)
01/06/2023	31	Reassignment of Case to Magistrate Judge M. Kendra Klump. Magistrate Judge Mark J. Dinsmore is no longer assigned to this case. Please include the new case number (1:22-cv-01212-SEB-MKK), which includes the initials of the newly assigned judge, on all future filings in this matter. (Albertson, Steven) (Entered: 01/06/2023)
01/09/2023	32	MOTION to Take Deposition from Plaintiff , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 01/09/2023)
01/12/2023	33	ORDER granting 32 Motion to Take Deposition. Defendants are granted leave to depose Plaintiff, Michael Greer, DOC# 962733, an inmate held in the custody of the Indiana Department of Correction at the Pendleton Correctional Facility no later than March 30, 2023, until such time as the deposition is concluded, by remote means outside the physical presence of the officer of the court/court reporter for the purposes of swearing in, if necessary, and subject to making reasonable accommodations within the Pendleton Correctional Facility. Signed by Magistrate Judge M. Kendra Klump on 1/12/2023. (DWH) (Entered: 01/13/2023)
01/27/2023	34	MOTION to Depose Defendants, filed by Plaintiff MICHAEL L GREER. (CKM) (Entered: 01/27/2023)
01/30/2023	35	ORDER denying Plaintiff's 34 Motion to Depose the Defendants. See Order. Signed by Magistrate Judge M. Kendra Klump on 1/30/2023. (SWM) (Entered: 01/30/2023)
02/14/2023	36	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH (Shouse, Eric) (Entered: 02/14/2023)
02/22/2023	37	NOTICE re Settlement Conference, filed by Plaintiff MICHAEL L GREER (JDC) (Entered: 02/23/2023)
02/28/2023	38	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendant LISA HAMBLEN (Montgomery, Travis) (Entered: 02/28/2023)
03/07/2023	39	NOTICE of Appearance by Jordan Douglas Hall on behalf of Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Hall, Jordan)

		(Entered: 03/07/2023)
05/01/2023	40	MOTION for Summary Judgment , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Shouse, Eric) (Entered: 05/01/2023)
05/01/2023	41	Designation of Evidence re 40 MOTION for Summary Judgment , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Attachments: # 1 Exhibit A - Deposition of Greer, # 2 Exhibit B - Grievance Documents, # 3 Exhibit C - Affidavit of Reagle)(Shouse, Eric) (Entered: 05/01/2023)
05/01/2023	42	BRIEF/MEMORANDUM in Support re 40 MOTION for Summary Judgment , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Shouse, Eric) (Entered: 05/01/2023)
05/01/2023	43	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH (Shouse, Eric) (Entered: 05/01/2023)
05/01/2023	44	MOTION for Summary Judgment , filed by Defendant LISA HAMBLLEN. (Attachments: # 1 Text of Proposed Order)(Montgomery, Travis) (Entered: 05/01/2023)
05/01/2023	45	Designation of Evidence re 44 MOTION for Summary Judgment , filed by Defendant LISA HAMBLLEN. (Attachments: # *** SEALED PER ORDER 55 *** (1) Exhibit Hamblen - Neuro Visit Note, # 2 Exhibit Hamblen - 2019 Eye Prescription, # *** SEALED PER ORDER 55 ***(3) Exhibit Hamblen - Operative Note, # *** SEALED PER ORDER 55 *** (4) Exhibit Hamblen - 2020 Medical Records, # 5 Exhibit Hamblen - Request for Typewriter, # 6 Exhibit Hamblen - 2021 Grievance Documents, # 7 Exhibit Hamblen - Disability Code HCSO, # *** SEALED PER ORDER 55 *** (8) Exhibit Hamblen - 2019 Disability Classification, # 9 Exhibit Hamblen - Health Services Policy, # 10 Exhibit Hamblen - ADA Policy, # 11 Exhibit Hamblen - 2021 Law Library Request, # 12 Exhibit Hamblen - 2022 Request, # *** SEALED PER ORDER 55 *** (13) Exhibit Hamblen - January 2022 Eye Record)(Montgomery, Travis) Modified on 6/21/2023 (CKM). (Entered: 05/01/2023)
05/01/2023	46	BRIEF/MEMORANDUM in Support re 44 MOTION for Summary Judgment , filed by Defendant LISA HAMBLLEN. (Montgomery, Travis) (Entered: 05/01/2023)
05/01/2023	47	NOTICE of <i>Right to Respond and Submit Evidence in Opposition</i> , filed by Defendant LISA HAMBLLEN, re 46 Brief/Memorandum in Support. (Montgomery, Travis) (Entered: 05/01/2023)
05/03/2023	48	MOTION to Maintain Document Under Seal 45 Designation of Evidence <i>Exhibits 45-1, 45-3, 45-4, and 45-8</i> , filed by Defendant LISA HAMBLLEN. (Attachments: # 1 Text of Proposed Order)(Montgomery, Travis) (Entered: 05/03/2023)
05/03/2023	49	NOTICE of Filing <i>Redacted Exhibits to Dkt. 45</i> by LISA HAMBLLEN (Attachments: # 1 Exhibit Public Redacted Version of Dkt. 45-1, # 2 Exhibit Public Redacted Version of Dkt. 45-3, # 3 Exhibit Public Redacted Version of Dkt. 45-4, # 4 Exhibit Public Redacted Version of Dkt. 45-8, # 5 Exhibit Public Redacted Version of Dkt. 45-13) (Montgomery, Travis) (Entered: 05/03/2023)
05/26/2023	50	RESPONSE in Opposition to 44 MOTION for Summary Judgment , filed by Plaintiff MICHAEL L GREER. (Attachments: # 1 Exhibit)(JRB) (Entered: 05/26/2023)
05/31/2023	51	Supplemental RESPONSE re 44 MOTION for Summary Judgment , filed by Plaintiff MICHAEL L GREER. (Attachments: # 1 Exhibits)(KAA) (Entered: 06/01/2023)

06/08/2023	52	REPLY in Support of Motion re 40 MOTION for Summary Judgment , filed by Defendants CHRISTOPHER ERTEL, DENNIS REAGLE, AARON SMITH. (Shouse, Eric) (Entered: 06/08/2023)
06/15/2023	53	REPLY in Support of Motion re 44 MOTION for Summary Judgment , filed by Defendant LISA HAMBLLEN. (Montgomery, Travis) (Entered: 06/15/2023)
06/16/2023	54	MOTION for Extension of Time to Respond to 52 REPLY in Support of Motion re 40 MOTION for Summary Judgment, filed by Plaintiff MICHAEL L GREER. (TPS) Modified on 6/21/2023 (LBT). (Entered: 06/20/2023)
06/21/2023	55	ORDER - granting 48 MOTION to Maintain Document Under Seal 45 Designation of Evidence <i>Exhibits 45-1, 45-3, 45-4, 45-8 and 45-13</i> . Signed by Magistrate Judge M. Kendra Klump on 6/21/2023. (CKM) (Entered: 06/21/2023)
06/29/2023	56	ORDER granting 54 Motion for Extension of Time to File a Surreply to 7/24/2023. Signed by Magistrate Judge M. Kendra Klump on 6/29/2023. (JRB) (Entered: 06/29/2023)
07/17/2023	57	SURREPLY to 52 REPLY in Support of Motion re 40 MOTION for Summary Judgment, filed by Plaintiff MICHAEL L GREER. (Attachments: # 1 Exhibit)(TPS) (Entered: 07/21/2023)
07/19/2023	58	RESPONSE in Opposition to 53 REPLY in Support of Motion re 44 MOTION for Summary Judgment, filed by Plaintiff MICHAEL L GREER. (TPS) (Entered: 07/24/2023)
09/05/2023	59	Notice of Reassignment of Case to Magistrate Judge Crystal S. Wildeman. Magistrate Judge M. Kendra Klump is no longer assigned to this case. Please include the new case number (1:22-cv-01212-SEB-CSW), which includes the initials of the newly assigned judge, on all future filings in this matter. (CJD) (Entered: 09/05/2023)
01/24/2024	60	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Michael Greer. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 01/24/2024)
02/06/2024	61	Correspondence REQUESTING COPY of Case Docket Sheet, filed by MICHAEL L GREER. (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 02/06/2024)
03/06/2024	62	ORDER ON DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT: The defendants' motions for summary judgment, dks. 40 and 44 , are granted as to Eighth Amendment claims and as to claims for damages under the ADA and RA. Their motions are denied as to injunctive relief claims under the ADA and RA. Claims against Warden Reagle and Deputy Warden Smith are dismissed with prejudice. The clerk is directed to terminate them as defendants on the docket. No partial final judgment will issue. Injunctive relief claims under the ADA and RA will proceed against Mr. Ertel and Ms. Hamblen in their official capacities. These claims will be resolved by settlement or a bench trial for equitable relief. The Court intends to recruit counsel to represent Mr. Greer through the remainder of the action. The clerk is directed to include a form motion for assistance recruiting counsel with Mr. Greer's copy of this order. He will complete and return the form or notify the Court that he wishes to continue without a lawyer no later than March 15, 2024. If Mr. Greer takes no action in the time provided, the Court will attempt to recruit counsel for him in accordance with the conditions noted on page 4 of the form motion. See Order. Signed by Judge Sarah Evans Barker on 3/6/2024. (Attachments: # 1 Blank Form Motion for Counsel) (LF) (Entered: 03/07/2024)

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