

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

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**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-01171-RLY-KMB**

KLINE v. HACKER et al
Assigned to: District Judge Richard L Young
Referred to: Magistrate Judge Kellie M. Barr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/30/2023
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

MICHAEL W. KLINE

represented by **MICHAEL W. KLINE**
197970
INDIANA STATE PRISON
INDIANA STATE PRISON
Inmate Mail/Parcels
One Park Row
MICHIGAN CITY, IN 46360
PRO SE

V.

Defendant

K. SMITH

represented by **K. SMITH**
3219 S. Vine Street
Muncie, IN 47302
PRO SE

Date Filed	#	Docket Text
06/30/2023	<u>1</u>	COMPLAINT against J. FRENCH, M. HACKER, J. JONES, M. MITCHEFF, J. NWANNUNU, M. PAGE, R. SCHILLINGS, M. SEVIER, K. SMITH, filed by MICHAEL W. KLINE. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope) (DJH) (Entered: 07/05/2023)
07/05/2023	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 07/05/2023)
07/05/2023	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 07/05/2023)
07/07/2023	<u>4</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. (Copy sent to plaintiff via US mail). (JRT) (Entered: 07/07/2023)

07/21/2023	<u>5</u>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through August 18, 2023, in which to correct the deficiencies as follows: You must either pay the 402.00 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing fee (<i>in forma pauperis</i>). A form motion for leave to proceed without the prepayment of the filing fee is being provided for your use. NOTE TO PRISONER - If you seek leave to proceed without prepaying the filing fee, and you are a prisoner, your motion must be accompanied by a copy of the transactions associated with your institution trust account for the 6-month period preceding the filing of this action. Copy to plaintiff by U.S. Mail. (MEH) (Additional attachment(s) added on 7/21/2023: # <u>1</u> Exhibit form motion for IFP) (MEH). (Entered: 07/21/2023)
08/22/2023	<u>6</u>	ORDER ON IN FORMA PAUPERIS STATUS - On July 21, 2023, the Court ordered the plaintiff to file a motion for leave to proceed in forma pauperis by attaching a copy of the transactions associated with his institution trust account for the 6-month period preceding the filing of this action or to pay the \$402.00 filing fee. Dkt. 5. The plaintiff has failed to do so or otherwise respond by the deadline. The plaintiff shall have through September 22, 2023, to comply with the Court's previous order or to explain why doing so is not possible. The failure to do so by this date will result in the dismissal of this action without further warning. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Kellie M. Barr on 8/22/2023.(SWM) (Entered: 08/22/2023)
10/03/2023	<u>7</u>	Order Dismissing Case and Directing Entry of Final Judgment - Because the plaintiff has abandoned this action, it is dismissed without prejudice for failure to prosecute. Final judgment in accordance with this Order shall now issue. (See Order.) Signed by District Judge Richard L. Young on 10/3/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 10/03/2023)
10/03/2023	<u>8</u>	FINAL JUDGMENT - The Court now enters FINAL JUDGMENT. The action is dismissed for failure to prosecute. Signed by District Judge Richard L. Young on 10/3/2023. Copy to Plaintiff via US mail. (JSR) (Entered: 10/03/2023)
10/16/2023	<u>9</u>	NOTICE of Change of Address for MICHAEL W. KLINE to Putnamville CF. (JRB) (Entered: 10/17/2023)
10/16/2023	<u>10</u>	CONSENT to Prisoner E-Service by MICHAEL W. KLINE located at PUTNAMVILLE CF. Pursuant to General Order 2013-1, documents submitted by MICHAEL W. KLINE 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. (JRB) (Entered: 10/17/2023)
10/16/2023	<u>11</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff MICHAEL W. KLINE. (Attachments: # <u>1</u> Exhibit)(JRB) (Entered: 10/17/2023)
10/23/2023	<u>12</u>	Mail Returned as undeliverable. <u>7</u> Order and <u>8</u> Closed Judgment sent to MICHAEL W. KLINE - Return to Sender; Not Deliverable as Addressed; Unable to Forward. (SWM) (Entered: 10/24/2023)
11/09/2023	<u>13</u>	MOTION to Re-file Complaint, filed by Plaintiff MICHAEL W. KLINE. (Attachments: # <u>1</u> Cover Letter)(LBT) (Entered: 11/09/2023)

11/16/2023	14	MOTION to Amend Complaint, filed by Plaintiff MICHAEL W. KLINE. (LBT) (Entered: 11/17/2023)
01/02/2024	15	Order Granting In Forma Pauperis Status, Reopening Case, Screening Amended Complaint, and Directing Service of Process - Mr. Kline's motion for leave to proceed in forma pauperis, dkt. 11 , is granted. Although the plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty dollar (\$350.00) filing fee. Mr. Kline's motion to re-file his complaint, dkt. 13 , is construed as a motion to reopen this action and is granted. The clerk is directed to reopen the case on the docket. Mr. Kline's motion to amend his complaint, dkt. 14 , is granted. The motion itself appears to be the proposed amended complaint. Thus, the clerk is directed to redocket the motion at dkt. 14 as the Amended Complaint. This summary of claims includes all the viable claims identified by the Court. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through February 1, 2024, in which to identify those claims. The clerk is directed to terminate Page, Jones, Sevier, French, Nwannunu, Schillings, and Mitcheff as defendants on the docket because they were not named in the Amended Complaint. The clerk is directed to issue process to defendants Hacker and Smith. SEE ORDER. Copies mailed per Distribution. Signed by District Judge Richard L Young on 1/2/2024. (KAA) (Entered: 01/02/2024)
01/02/2024	16	AMENDED COMPLAINT against M. HACKER, K. SMITH, filed by MICHAEL W. KLINE.(KAA) (Entered: 01/02/2024)
01/02/2024	17	NOTICE of Lawsuit & Waiver Issued by Clerk upon: 1) M. Hacker; and 2) K. Smith. (KAA) (Entered: 01/02/2024)
02/01/2024	18	Mail Returned as undeliverable. 17 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order on Motion for Leave to Proceed in forma pauperis Order on Motion to Amend/Correct, 16 Amended Complaint sent to M. HACKER at New Castle Correctional Facility. (LF) (Entered: 02/02/2024)
02/05/2024	19	Mail Returned as undeliverable. 17 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order on Motion for Leave to Proceed in forma pauperis, Reopening Case, Screening Amended Complaint, and Directing Service of Process, 16 Amended Complaint sent to K. SMITH. (KAA) (Entered: 02/06/2024)
03/11/2024	20	ORDER AGAIN DIRECTING SERVICE OF PROCESS - The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to again issue process to the defendants in the manner specified by Fed. R. Civ. P. 4(d). Process shall consist of the Amended Complaint (dkt. 16), Screening Order (dkt. 15), applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. The clerk is directed the provide a courtesy copy of the service documents to attorney Adam Forrest. Copies provided per distribution list. Signed by Magistrate Judge Kellie M. Barr on 03/11/2024.(AAS) (Entered: 03/11/2024)
03/11/2024	21	NOTICE of Lawsuit & Waiver Issued by Clerk TO: 1) M. Hacker; and 2) K. Smith. (AAS) (Entered: 03/11/2024)
04/03/2024	22	Mail Returned as undeliverable. Sent to Defendant M. Hacker, STAFF New Castle Correctional Facility, 1000 Van Nuys Rd., New Castle, IN 47362. 21 NOTICE of Lawsuit & Waiver, 20 ORDER AGAIN DIRECTING SERVICE OF PROCESS, 16 AMENDED COMPLAINT, 15 Order Granting In Forma Pauperis Status, Reopening Case, Screening Amended Complaint, and Directing Service of Process sent to M.

		HACKER. (AAT) Modified on 4/3/2024 - updated docket text (AAT). (Entered: 04/03/2024)
04/03/2024	23	Mail Returned as undeliverable. Sent to Defendant K Smith, STAFF New Castle Correctional Facility, 1000 Van Nuys Rd., New Castle, IN 47362. 21 NOTICE of Lawsuit & Waiver, 20 ORDER AGAIN DIRECTING SERVICE OF PROCESS, 16 AMENDED COMPLAINT, 15 Order Granting In Forma Pauperis Status, Reopening Case, Screening Amended Complaint, and Directing Service of Process sent to K. SMITH. (AAT) Modified on 4/3/2024 updated docket text(AAT). (Entered: 04/03/2024)
04/10/2024	24	NOTICE of Appearance by Joseph Thomas Lipps on behalf of Defendants M. HACKER, K. SMITH. (Lipps, Joseph) (Entered: 04/10/2024)
04/10/2024	25	WAIVER OF SERVICE Returned Executed, filed by K. SMITH, M. HACKER. K. SMITH waiver sent on 3/11/2024; M. HACKER waiver sent on 3/11/2024. (Lipps, Joseph) (Entered: 04/10/2024)
05/10/2024	26	ANSWER to 16 Amended Complaint , filed by M. HACKER, K. SMITH.(Lipps, Joseph) (Entered: 05/10/2024)
05/10/2024	27	ENTRY Directing Development of Exhaustion Defense and Issuing Partial Stay - The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through June 13, 2024, 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. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. The movant shall then have fourteen (14) days in which to reply. Except for activities associated with the development and resolution of the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this action, or any other matter directed by the Court, any other activities or deadlines in the action are stayed. Discovery on the issue of exhaustion is permitted and shall be completed prior to the resolution of the motion for summary judgment. No discovery shall be permitted after a ruling on the motion for summary judgment absent good cause. See Entry for details. Signed by Magistrate Judge Kellie M. Barr on 5/10/2024.(LBT) (Entered: 05/10/2024)
06/06/2024	28	MOTION to Move Forward, filed by Plaintiff MICHAEL W. KLINE. (Attachments: # 1 Cover Letter) (AJG) Updated docket text. Modified on 6/7/2024 (AJG). (Entered: 06/06/2024)
06/13/2024	29	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants M. HACKER, K. SMITH. (Attachments: # 1 Text of Proposed Order) (Lipps, Joseph) (Entered: 06/13/2024)
06/13/2024	30	BRIEF/MEMORANDUM in Support re 29 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants M. HACKER, K. SMITH. (Lipps, Joseph) (Entered: 06/13/2024)
06/13/2024	31	Designation of Evidence re 29 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , 30 Brief/Memorandum in Support , filed by Defendants M. HACKER, K. SMITH. (Attachments: # 1 Exhibit A- Affidavit of Melissa Rutledge, # 2 Exhibit B- Offender Grievance Process, State of Indiana, Indiana Department of Correction, Policy and Administrative Procedure No. 00-02-301, # 3 Exhibit C- Grievance History for Offender, Michael W. Kline, # 4 Exhibit D- Grievance Case

		Report, Case No. 22-139043)(Lipps, Joseph) (Entered: 06/13/2024)
06/13/2024	32	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants M. HACKER, K. SMITH, re 30 Brief/Memorandum in Support, 31 Designation of Evidence, 29 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . (Lipps, Joseph) (Entered: 06/13/2024)
07/03/2024	33	MOTION to Appoint Counsel, filed by Plaintiff MICHAEL W. KLINE. (JRB) (Entered: 07/09/2024)
07/10/2024	34	ORDER DENYING WITHOUT PREJUDICE MOTION FOR ASSISTANCE WITH RECRUITING COUNSEL - 33 Motion to Appoint Counsel is DENIED without prejudice. The clerk is directed to send Plaintiff a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. Plaintiff's deadline to respond to Defendants' pending motion for summary judgment is extended through August 7, 2024. Signed by District Judge Richard L Young on 7/10/2024. (Attachments: # 1 Form Motion for Assistance with Recruiting Counsel) (LBT) (Entered: 07/10/2024)
07/11/2024	35	MOTION for Extension of Time for Summary Judgment, filed by Plaintiff MICHAEL W. KLINE. (Attachments: # 1 Cover Letter) (BAA) (Entered: 07/11/2024)
07/16/2024	36	ORDER granting 35 Motion for Extension of Time to File a Response to 29 Motion for Summary Judgment to 8/5/2024. Signed by Magistrate Judge Kellie M. Barr on 7/16/2024. (JRB) (Entered: 07/17/2024)
07/18/2024	37	RESPONSE in Opposition re 29 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff MICHAEL W. KLINE. (Attachments: # 1 Exhibit)(AAS) (Entered: 07/19/2024)
07/18/2024	38	DECLARATION in Support re 37 Response in Opposition to Motion by MICHAEL W. KLINE. (AAS) (Entered: 07/19/2024)
07/26/2024	39	NOTICE OF WITHDRAWAL OF AFFIRMATIVE DEFENSE OF FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES PRIOR TO FILING LAWSUIT, filed by Defendants M. HACKER, K. SMITH, re 37 Response in Opposition to Motion, 38 Declaration. (Lipps, Joseph) (Entered: 07/26/2024)
07/29/2024	40	SCHEDULING ORDER:Telephonic Discovery Conference set for 10/18/2024 10:00 AM (Eastern Time) before Magistrate Judge Kellie M. Barr. The Court will contact counsel through the Court's electronic filing system with the call-in information to be used to participate in this conference. The purposes of the Discovery Conference are to address - SEE ORDER. Signed by Magistrate Judge Kellie M. Barr on 7/29/2024. (SWM) (Entered: 07/29/2024)
07/29/2024	41	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 2/25/2025. Discovery due by 1/27/2025. Signed by Magistrate Judge Kellie M. Barr on 7/29/2024.(SWM) (Entered: 07/29/2024)

07/29/2024	42	ORDER to Make Inmate Available - via Telephone. Warden of Putnamville Correctional Facility ordered to make MICHAEL W. KLINE Available - via Telephone for court proceeding on 10/18/2024 at 10:00 a.m. (Eastern). Copy to Warden via Email. Signed by Magistrate Judge Kellie M. Barr on 7/29/2024.(SWM) (Entered: 07/29/2024)
08/14/2024	43	ORDER - 28 Motion to Move Forward is GRANTED to the extent he is notified that Defendants have withdrawn their exhaustion defense and the Court has issued a schedule to facilitate further development of this action. Dkt. 41 . The Clerk is directed to terminate Defendants' motion for summary judgment on the issue of exhaustion, dkt. 29 . Signed by Magistrate Judge Kellie M. Barr on 8/14/2024. (LBT) (Entered: 08/14/2024)
09/23/2024	44	NOTICE of Service of Initial Disclosures , filed by Defendants M. HACKER, K. SMITH. (Lipps, Joseph) (Entered: 09/23/2024)
10/17/2024	46	MOTION to Withdraw Attorney Appearance (<i>Redacted</i>), filed by Defendant K. SMITH. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A- Initial Letter to K. Smith, # 3 Exhibit B- Letter with Interrogatories to K. Smith, # 4 Exhibit C- 10 Day Letter to K. Smith)(Lipps, Joseph) (Entered: 10/17/2024)
10/21/2024	48	MINUTE ORDER for proceedings held before Magistrate Judge Kellie M. Barr: On July 29, 2024, the Court issued a Scheduling Order, and Order Setting Pretrial Schedule, and an Order to Make Inmate Available so that the Court could hold an initial discovery conference in this case on October 18, 2024. [Dkts. 40; 41; 42.] On that date, Defendants appeared by counsel for the status conference. Plaintiff Michael W. Kline failed to appear. The Court and defense counsel discussed the status of the case. Defense counsel reported that Mr. Kline has been engaged in the case thus far. Mr. Kline has served his initial disclosures and has served discovery on Defendants. Given the instructions in the Court's prior orders, the discovery Mr. Kline previously served is not deemed served until the date of this conference. On October 17, 2024, defense counsel filed a Motion to Withdraw Attorney Appearance for Defendant K. Smith. [Dkt. 46.] The Court and defense counsel discussed that motion, and this matter is now set for an Ex-Parte Telephonic Conference to further discuss that motion with defense counsel and Defendant K. Smith only on November 20, 2024, at 1:00 p.m. (Eastern), with Magistrate Judge Kellie M. Barr. The Court will contact counsel through the Court's electronic filing system with the call-in information to be used to participate in the conference, and that information should be shared with Defendant K. Smith by defense counsel. SEE ORDER. Copy sent to defendant Smith via US Mail. Signed by Magistrate Judge Kellie M. Barr. (MJL) (Entered: 10/21/2024)
10/31/2024	49	RESPONSE re 48 Discovery Conference, filed by Plaintiff MICHAEL W. KLINE. (KAA) (Entered: 10/31/2024)
11/20/2024	51	MINUTE ORDER for proceedings held before Magistrate Judge Kellie M. Barr: The Court held an Ex Parte Telephonic Status Conference on November 20, 2024, with U.S. Magistrate Judge Kellie M. Barr. The Court scheduled this conference due to counsel Mr. Lipps' Motions to Withdraw Attorney Appearance on behalf of Defendant K. Smith. [Dkts. 46; 47.] Defendant Smith was ordered to call into this conference as well. [Dkt. 48.] Defense counsel Mr. Lipps appeared at the conference, but Defendant K. Smith did not. Mr. Lipps confirmed that he had had some contact with Defendant Smith since the Court scheduled this conference, but that Defendant Smith recently has not been responding to his communication regarding necessary discovery needs. He also confirmed that she was given the information to join the conference. Given Defendant

		Smith's failure to engage with her attorney and join the ex parte conference as required, the Court GRANTED the Motions to Withdraw, [dks. 46; 47], such that Mr. Lipps no longer represents Defendant Smith in this case. Defendant Smith is now representing herself pro se in this action. Mr. Lipps continues to represent Defendant Hacker as counsel in this case. The Clerk is DIRECTED to update the docket to reflect Defendant Smith's pro se status and the address reflected in the distribution list. Signed by Magistrate Judge Kellie M. Barr. (MJL) Copy mailed to pro se party via US Mail. Removed case participant restriction. Modified on 11/20/2024. (Entered: 11/20/2024)
11/22/2024	52	NOTICE of Telephonic Discovery Conference for 11-20-2024, filed by Plaintiff MICHAEL W. KLINE (LF) (Entered: 11/22/2024)
11/26/2024	53	MARGINAL ENTRY - The Court has reviewed Plaintiff's "Notice," [dkt. 52], and informs Plaintiff that the conference he references was an ex parte conference that was only between defense counsel, one of the Defendants, and the Court, such that his facility was not directed to connect him to the conference. A Minute Entry from that conference was mailed to Plaintiff. [Dkt. 51 .] Signed by Magistrate Judge Kellie M. Barr on 11/26/2024. (AJG) (Entered: 11/26/2024)
12/27/2024	54	NOTICE <i>Concerning Settlement Conference</i> , filed by Defendant M. HACKER, re 41 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation. (Lipps, Joseph) (Entered: 12/27/2024)
01/02/2025	55	NOTICE of Change of Address for MICHAEL W. KLINE. MICHAEL W. KLINE is no longer participating in E-Service. Currently located at INDIANA STATE PRISON (Previously located at PUTNAMVILLE - CF) (TPS) (Entered: 01/03/2025)
01/07/2025	56	Mail Returned as UNDERLIVERABLE; NO LONGER AT FACILITY. 54 Notice (Other) sent to MICHAEL W. KLINE at Putnamville CF. (JRB) (Entered: 01/08/2025)
02/11/2025	57	Mail Returned as NO LONGER AT FACILITY. 55 Notice of Change of Address - Prisoner/Pro Se sent to MICHAEL W. KLINE at Putnamville CF. (JRB) (Entered: 02/12/2025)
02/25/2025	58	MOTION for Summary Judgment , filed by Defendant M. HACKER. (Attachments: # 1 Text of Proposed Order)(Lipps, Joseph) (Entered: 02/25/2025)
02/25/2025	59	BRIEF/MEMORANDUM in Support re 58 MOTION for Summary Judgment , filed by Defendant M. HACKER. (Lipps, Joseph) (Entered: 02/25/2025)
02/25/2025	60	Designation of Evidence re 58 MOTION for Summary Judgment , 59 Brief/Memorandum in Support , filed by Defendant M. HACKER. (Attachments: # 1 EXHIBIT A - Hacker Affidavit, # 2 EXHIBIT B - Grievance Return, # 3 EXHIBIT C - Contract for Services)(Lipps, Joseph) (Entered: 02/25/2025)
02/25/2025	61	NOTICE <i>REGARDING RIGHT TO RESPOND TO AND SUBMIT EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT</i> , filed by Defendant M. HACKER, re 60 Designation of Evidence, 58 MOTION for Summary Judgment , 59 Brief/Memorandum in Support. (Lipps, Joseph) (Entered: 02/25/2025)
02/26/2025	62	Witness List <i>Preliminary</i> , filed by Defendant M. HACKER. (Lipps, Joseph) (Entered: 02/26/2025)
03/19/2025	63	RESPONSE in Opposition to 58 MOTION for Summary Judgment , filed by Plaintiff MICHAEL W. KLINE. (Attachments: # 1 Cover Letter)(JRB) (Entered: 03/19/2025)

03/19/2025	64	DECLARATION by MICHAEL W. KLINE. (JRB) (Entered: 03/19/2025)
04/02/2025	65	REPLY in Support of Motion re 58 MOTION for Summary Judgment , filed by Defendant M. HACKER. (Lipps, Joseph) (Entered: 04/02/2025)
04/15/2025	66	Surreply to 58 MOTION for Summary Judgment , filed by Plaintiff MICHAEL W. KLINE. (JRB) (Entered: 04/15/2025)
08/28/2025	67	ORDER GRANTING DEFENDANT HACKER'S MOTION FOR SUMMARY JUDGMENT AND DIRECTING FURTHER PROCEEDINGS - Defendant Hacker's motion for summary judgment, dkt. 58 , is granted. The clerk is directed to terminate Ms. Hacker as a defendant on the docket. No partial final judgment shall issue at this time. The court sua sponte reconsiders and grants Mr. Kline's motion for assistance with recruiting counsel, dkt. 33 . The court will attempt to recruit counsel to assist Mr. Kline for the remainder of this action. The court likewise prefers that Defendant Smith be represented by counsel for the remainder of this action. The clerk is directed to send Ms. Smith (1) a financial disclosure form for pro se defendants, and (2) a motion for assistance recruiting counsel with her copy of this Order. Ms. Smith has 21 days from the issuance of this Order to file her financial disclosure form and a motion for counsel using the forms the clerk provides her. Once Ms. Smith files the requisite forms, the counsel motion has been ruled on and counsel has been recruited, the magistrate judge is asked to schedule a telephonic status conference to discuss further proceedings. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by District Judge Richard L Young on 8/28/2025. (Attachments: # 1 Financial Disclosure Form, # 2 Motion for Assistance with Recruiting Counsel Form) (JRB) (Entered: 08/28/2025)

Case #: 1:23-cv-01171-RLY-KMB