

*** PUBLIC DOCKET ***

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:24-cv-00141-TWP-MJD**

VILCHUCK v. BALLENGER et al

Assigned to: District Judge Tanya Walton Pratt
Referred to: Magistrate Judge Mark J. Dinsmore
Demand: \$2,000,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/22/2024

Jury Demand: Both

Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff

SETH A. VILCHUCK

represented by **SETH A. VILCHUCK**
149912
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant

SUMMERS
Officer

represented by **Carlton Wayne Anker**
Lewis and Wilkins LLP
8777 Purdue Road
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: anker@lewisandwilkins.com
ATTORNEY TO BE NOTICED

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 317-636-7460
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ATTORNEY TO BE NOTICED

Defendant

A. TERRY
Officer

represented by **Carlton Wayne Anker**
 (See above for address)
ATTORNEY TO BE NOTICED

Elijah B. Mollet
 (See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

C. QUARRIER
K-9 Officer

represented by **Carlton Wayne Anker**
 (See above for address)
ATTORNEY TO BE NOTICED

Elijah B. Mollet
 (See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 01/22/2024 | 1 | COMPLAINT against J. D. BALLENGER, RICHARD BROWN, HARMON, INDIANA DEPARTMENT OF CORRECTIONS, D. MCDONALD, MILLER, C. QUARRIER, DENNIS REAGLE, SUMMERS, A. TERRY, filed by SETH A. VILCHUCK. (No fee paid with this filing) (DJH) (Entered: 01/23/2024) |
| 01/22/2024 | 2 | MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Resident Statement, # 2 Affidavit of Indigency)(DJH) (Entered: 01/23/2024) |
| 01/23/2024 | 3 | MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 01/23/2024) |
| 01/23/2024 | 4 | Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DJH) (Entered: 01/23/2024) |
| 01/31/2024 | 5 | CONSENT to Jurisdiction to US Magistrate Judge by SETH A. VILCHUCK. (AAS) (Entered: 01/31/2024) |

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| 01/31/2024 | 6 | MOTION for Preliminary Injunction and MOTION for Temporary Restraining Order, filed by Plaintiff SETH A. VILCHUCK. (AAS) (Entered: 01/31/2024) |
| 02/06/2024 | 7 | CONSENT to Prisoner E-Service by SETH A. VILCHUCK located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by SETH A. VILCHUCK 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: 02/07/2024) |
| 02/06/2024 | 8 | AFFIDAVIT of Witness Statement by SETH A. VILCHUCK. (JSR) (Entered: 02/07/2024) |
| 02/06/2024 | 9 | Additional AFFIDAVIT of Witness Statement by SETH A. VILCHUCK. (JSR) (Entered: 02/07/2024) |
| 02/07/2024 | 10 | 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: 02/07/2024) |
| 02/12/2024 | 11 | Order on In Forma Pauperis Status - granting 2 Motion for Leave to Proceed in forma pauperis. 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. The assessment of even an initial partial filing fee is waived because the plaintiff has no assets and no means by which to pay a partial filing fee. Accordingly, no initial partial filing fee is due currently. Signed by Judge Tanya Walton Pratt on 2/12/2024. (KAA) (Entered: 02/12/2024) |
| 04/01/2024 | 12 | ORDER DISMISSING COMPLAINT AND DIRECTING FILING OF AMENDED COMPLAINT AND DENYING INJUNCTIVE RELIEF - The Complaint is DISMISSED for failure to comply with Rule 20. Plaintiff Seth Vilchuck shall have through May 1, 2024, to file an Amended Complaint that complies with Rule 20. In organizing his complaint, Mr. Vilchuck may benefit from utilizing the Court's complaint form. The clerk is directed to include a copy of the prisoner civil rights complaint form along with Mr. Vilchuck's copy of this Order. The motion, for Preliminary Injunction, Dkt. 6 is DENIED without prejudice. (See Order.) Signed by Judge Tanya Walton Pratt on 4/1/2024. (Attachments: # 1 Prisoner Civil Rights Complaint Form) (JSR) (Entered: 04/01/2024) |
| 04/05/2024 | 13 | AMENDED COMPLAINT against HARMON, C. QUARRIER, SUMMERS, A. TERRY, filed by SETH A. VILCHUCK.(AAS) (Entered: 04/05/2024) |
| 06/05/2024 | 14 | MOTION to Dismiss claims and (six) Defendants without prejudice, filed by Plaintiff SETH A. VILCHUCK. (DWH) (Entered: 06/05/2024) |
| 06/05/2024 | 15 | ORDER SCREENING AMENDED COMPLAINT AND DIRECTING FURTHER PROCEEDINGS: Applying the screening standard to the factual allegations in the complaint, Eighth Amendment claims for excessive force shall proceed against Sgt. Harmon and K9 Officer Quarrier, and Officers Sommers and Terry for failing to intervene in Officer Quarrier's assault. Eighth Amendment deliberate indifference claims also shall proceed against Officers Sommers and Terry for refusing Plaintiff access to a decontamination shower after being pepper sprayed and against Officer Terry for not obtaining medical treatment for him. This summary of claims includes all |

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| | | 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 July 3, 2024, in which to identify those claims. The clerk is directed to terminate J.D. Ballenger, Dennis Reagle, Richard Brown, D. McDonald, Sgt. Miller, and the Indiana Department of Corrections as defendants on the docket. Plaintiff does not state any claims against these defendants in his amended complaint. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to defendants Sgt. Austin Harmon, K9 Officer Calvin Quarrier, Officer Sommers, and Officer Amanda Terry in the manner specified by Rule 4(d). Process shall consist of the amended complaint filed on April 5, 2024, dkt 13 , 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 to serve the Indiana Department of Correction employees electronically. See Order. Signed by Judge Tanya Walton Pratt on 6/5/2024.(LF) (Entered: 06/06/2024) |
| 06/05/2024 | 16 | NOTICE of Lawsuit & Waiver Issued by Clerk to 1) SGT. AUSTIN HARMON; 2) K9 OFFICER CALVIN QUARRIER; 3) OFFICER SOMMERS; AND 4) OFFICER AMANDA TERRY. (LF) (Entered: 06/06/2024) |
| 06/05/2024 | 17 | Documents to be Sent via Electronic Notice - re 13 Amended Complaint, 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order Electronic Notice to IDOC. (LF) (Entered: 06/06/2024) |
| 06/07/2024 | 18 | ORDER: Plaintiff Seth Vilchuck's motion to dismiss certain defendants from this action, dkt. 14 , is denied as moot. In screening Plaintiff's amended complaint, dkt. 15, the Court has already directed that the defendants named in Plaintiff's motion be terminated as defendants in this action. See Order. Signed by Judge Tanya Walton Pratt on 6/7/2024. (LF) (Entered: 06/10/2024) |
| 06/12/2024 | 19 | Letter to the Clerk. (CKM) (Entered: 06/12/2024) |
| 08/06/2024 | 20 | MOTION for Default Judgment, filed by Plaintiff SETH A. VILCHUCK. (JSR) (Entered: 08/06/2024) |
| 08/09/2024 | 21 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by SETH A. VILCHUCK. (Attachments: # 1 Public Docket Sheet) (JSR) (Entered: 08/09/2024) |
| 08/28/2024 | 22 | NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants HARMON, C. QUARRIER, SUMMERS, A. TERRY. (Shouse, Eric) (Entered: 08/28/2024) |
| 08/28/2024 | 23 | ANSWER to 13 Amended Complaint <i>Affirmative Defenses, and Demand for Jury Trial</i> , filed by HARMON, C. QUARRIER, SUMMERS, A. TERRY.(Shouse, Eric) (Entered: 08/28/2024) |
| 08/28/2024 | 24 | RESPONSE in Opposition re 20 MOTION for Default Judgment as to <i>all claims</i> , filed by Defendants HARMON, C. QUARRIER, SUMMERS, A. TERRY. (Shouse, Eric) (Entered: 08/28/2024) |
| 09/03/2024 | 25 | ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The defendant has 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. This defense must be resolved before reaching the merits of this case. The exhaustion defense will be resolved pursuant to the following schedule. The defendant shall have through October 18, 2024, in which to either: (See Order.) Except for activities associated with the development and |

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| | | 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. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 9/3/2024. (JSR) (Entered: 09/04/2024) |
| 09/04/2024 | 26 | Letter to the Clerk from SETH A. VILCHUCK. (KAA) (Entered: 09/04/2024) |
| 09/04/2024 | 27 | MOTION to Strike Defendants Answer Affirmative Defenses and Jury Demand, filed by Plaintiff SETH A. VILCHUCK. (KAA) (Entered: 09/04/2024) |
| 09/04/2024 | 28 | MOTION to Strike Defendants Response in Opposition to Plaintiffs Motion for Default Judgment, filed by Plaintiff SETH A. VILCHUCK. (KAA) (Entered: 09/04/2024) |
| 09/13/2024 | 29 | MOTION Requesting a Pavey Hearing, filed by Plaintiff SETH A. VILCHUCK. (LF) (Entered: 09/13/2024) |
| 09/13/2024 | 30 | RESPONSE to Entry Dkt. 25 , filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(LF) (Entered: 09/13/2024) |
| 09/24/2024 | 31 | Letter to the Court from SETH A. VILCHUCK. (JSR) (Entered: 09/25/2024) |
| 09/25/2024 | 32 | MOTION for Temporary Restraining Order and Prelim Injunction, filed by Plaintiff SETH A. VILCHUCK. (LF) (Entered: 09/25/2024) |
| 10/02/2024 | 33 | ORDER granting 32 Motion for TRO - Plaintiff's motion requesting a blank form motion for injunctive relief and a blank form affidavit, dkt. 32 , is granted as to the form motion for injunctive relief but denied as to the form affidavit. The Court does not maintain a form affidavit. The Court observes, however, that under 28 U.S.C. § 1746, whenever an affidavit is required, a party may instead submit a declaration under penalty of perjury that includes substantially the following language: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)." 28 U.S.C. § 1746(2). The Clerk is directed to enclose a blank form motion for injunctive relief with Plaintiff's copy of this Order. Signed by Magistrate Judge Mark J. Dinsmore on 10/02/2024. (Attachments: # 1 Motion Form) (AJG) (Entered: 10/02/2024) |
| 10/17/2024 | 34 | NOTICE of <i>Withdrawal of Exhaustion Defense</i> , filed by Defendants HARMON, SUMMERS, A. TERRY, C. QUARRIER (Shouse, Eric) (Entered: 10/17/2024) |
| 10/21/2024 | 35 | Order Denying Motion for Default Judgment and for Pavey Hearing - Plaintiff's motion for default judgment, dkt. 20 , is denied. For the same reasons, Plaintiff's motions to strike Defendants' answer and their response to his default judgment motion, dchts. 27 and 28 , are denied. Plaintiff's motion for a Pavey hearing, dkt. 29 , is denied as moot. The Court will issue, by separate order, a schedule setting forth deadlines for addressing the merits of Plaintiff's claims. (See Order.) Signed by Judge Tanya Walton Pratt on 10/21/2024. (JSR) (Entered: 10/22/2024) |
| 10/23/2024 | 36 | 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 9/5/2025. Discovery due by 8/1/2025. Signed by Magistrate Judge Mark J. Dinsmore on 10/23/2024. Copy to Plaintiff via |

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| | | US Mail.(AAS) (Entered: 10/23/2024) |
| 10/29/2024 | 37 | NOTICE of Service the Defendants have been Served Initial Disclosures, filed by Plaintiff SETH A. VILCHUCK. (JSR) (Entered: 10/29/2024) |
| 11/01/2024 | 38 | NOTICE of Service of Settlement Demand, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 11/01/2024) |
| 12/04/2024 | 39 | NOTICE of Service to the Court, filed by Plaintiff SETH A. VILCHUCK (JSR) (Entered: 12/05/2024) |
| 12/04/2024 | 40 | MOTION for Preliminary Injunction and Temporary Restraining Order, filed by Plaintiff SETH A. VILCHUCK. (JSR) (Entered: 12/05/2024) |
| 12/10/2024 | 41 | MOTION to Appoint Counsel, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit) (BAA) Modified on 12/11/2024 to update event type (BAA). (Entered: 12/11/2024) |
| 12/20/2024 | 42 | MOTION for Issuance of Subpoenas, filed by Plaintiff SETH A. VILCHUCK. (AAS) (Entered: 12/20/2024) |
| 12/20/2024 | 43 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Public Docket Sheet) (AAS) (Entered: 12/20/2024) |
| 12/20/2024 | 44 | MOTION for Preliminary Injunction, filed by Plaintiff SETH A. VILCHUCK. (AAS) (Entered: 12/20/2024) |
| 12/20/2024 | 45 | Correspondence REQUESTING COPY of Case Document(s) re 13 Amended Complaint, filed by Seth Vilchuck. (Attachments: # 1 Dkt. 13) (AAS) (Entered: 12/20/2024) |
| 12/26/2024 | 46 | NOTICE to the Court of Defendants' Failure to Produce Correct Video, filed by Plaintiff SETH A. VILCHUCK (TPS) (Entered: 12/27/2024) |
| 12/31/2024 | 47 | MOTION to Dismiss Preliminary Injunction, filed by Plaintiff SETH A. VILCHUCK. (LF) (Entered: 01/02/2025) |
| 01/03/2025 | 48 | MOTION for Preliminary Injunction and Temporary Restraining Order, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(JRB) (Entered: 01/06/2025) |
| 01/08/2025 | 49 | ORDER - Plaintiff's Motion for Issuance of Subpoenas, Dkt. 42 , is GRANTED to the extent that the Clerk is directed to enclose three endorsed, but otherwise blank, document subpoenas with Plaintiff's copy of this motion. Plaintiff may use the subpoenas to request documents from non-parties. Plaintiff is responsible for completing and serving the subpoenas and accompanying document requests and for complying with Federal Rule of Civil Procedure 45. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 01/07/2025. (Attachments: # 1 Endorsed Subpoena, # 2 Endorsed Subpoena, # 3 Endorsed Subpoena) (AAS) (Entered: 01/08/2025) |
| 01/08/2025 | 52 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 01/10/2025) |
| 01/08/2025 | 53 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Plaintiff. (Attachments: # 1 Public Docket Sheet) (BAA) (Entered: 01/13/2025) |

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| 01/08/2025 | 54 | NOTICE of Initial Disclosures by SETH A. VILCHUCK. (BAA) (Entered: 01/13/2025) |
| 01/09/2025 | 50 | NOTICE of Appearance by Carlton Wayne Anker on behalf of Defendants HARMON, SUMMERS, A. TERRY, C. QUARRIER. (Anker, Carlton) (Entered: 01/09/2025) |
| 01/09/2025 | 51 | RESPONSE re 46 Notice (Other) in <i>Opposition of Plaintiff's Discovery Notice</i> , filed by Defendants HARMON, SUMMERS, A. TERRY, C. QUARRIER. (Attachments: # 1 Exhibit A - Defs' IDs)(Anker, Carlton) (Entered: 01/09/2025) |
| 01/14/2025 | 55 | NOTICE of Service, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 01/15/2025) |
| 01/16/2025 | 56 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Public Docket Sheet) (AAS) (Entered: 01/17/2025) |
| 02/04/2025 | 57 | MOTION Requesting Liens on Defendants, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 02/06/2025) |
| 02/05/2025 | 58 | MOTION for Ruling on Pending Motion to Appoint Counsel, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 02/06/2025) |
| 02/14/2025 | 59 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Public Docket Sheet) (AAS) (Entered: 02/14/2025) |
| 02/15/2025 | 60 | RESPONSE in Opposition re 57 MOTION for Lien, filed by Defendants HARMON, SUMMERS, A. TERRY, C. QUARRIER. (Shouse, Eric) (Entered: 02/15/2025) |
| 02/21/2025 | 61 | MOTION to Compel, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 02/21/2025) |
| 02/25/2025 | 62 | RESPONSE in Opposition re 61 MOTION to Compel , filed by Defendants HARMON, SUMMERS, A. TERRY, C. QUARRIER. (Attachments: # 1 Exhibit A - Plaintiff's Subpoena to Non-parties)(Anker, Carlton) (Entered: 02/25/2025) |
| 03/05/2025 | 63 | MOTION Requesting Subpoena, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 03/05/2025) |
| 03/05/2025 | 64 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 d) (JRB) (Entered: 03/05/2025) |
| 03/18/2025 | 65 | MOTION for Court Assistance, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 03/18/2025) |
| 03/18/2025 | 66 | MOTION to Compel, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Subpoena)(JRB) (Entered: 03/18/2025) |
| 03/26/2025 | 67 | ORDER - This matter is before the Court on several motions filed by Plaintiff, each of which is addressed, in turn, below. The two motions to compel, [Dkt. 61 and Dkt. 66], are DENIED. Dkt. 63 . That request is DENIED. Plaintiff has sent a letter to the Clerk of Court inquiring about the status of his pending motions and asking "what judge is on the case." [Dkt. 65 .] That request is GRANTED. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 03/26/2025. (AJG) (Entered: 03/27/2025) |
| 03/28/2025 | 68 | MOTION for Copies, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 03/28/2025) |

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| 03/28/2025 | 69 | NOTICE to the Court, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 03/28/2025) |
| 04/03/2025 | 70 | ORDER - Plaintiff request a copy of his Amended Complaint. [Dkt. 68 .] That request is GRANTED. The Clerk is directed to include a copy of Plaintiff's Amended Complaint [Dkt. 13] with Plaintiff's copy of this Order. Signed by Magistrate Judge Mark J. Dinsmore on 4/3/2025. (Attachments: # 1 Dkt. 13 - Amended Complaint) (JSR) (Entered: 04/03/2025) |
| 04/10/2025 | 71 | ORDER ADDRESSING PENDING MOTIONS AND DIRECTING FURTHER PROCEEDINGS - Mr. Vilchuck's motion requesting a ruling on his motion for counsel, Dkt. 58 , is GRANTED, but the motion for counsel itself, Dkt. 41 , is DENIED without prejudice. His motion for a lien, Dkt. 57 , is DENIED. The motion to dismiss the previously-filed preliminary injunction motions, Dkt. 47 , is GRANTED. The clerk is directed to terminate the motions at Dkts. 40 and 44 . As for Mr. Vilchuck's latest preliminary injunction motion, Dkt. 48 , is DENIED in part and REMAINS PENDING in part. The motion is denied with prejudice to the extent it seeks imposition of monetary damages against Defendants and to prioritize consideration of the merits of this case over other cases pending in this District. The motion remains pending as to Mr. Vilchuck's request for a transfer from Pendleton. Defendants are ORDERED to file a response to the motion within 14 days of this Order, after which Mr. Vilchuck will have 7 days to file a reply. (See Order.) Signed by Judge Tanya Walton Pratt on 4/10/2025. (JSR) (Entered: 04/10/2025) |
| 04/11/2025 | 72 | NOTICE of Service of Discovery, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 04/11/2025) |
| 04/15/2025 | 73 | MOTION to Dismiss Defendant Harmon, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 04/15/2025) |
| 04/21/2025 | 74 | MOTION to Take Deposition from Plaintiff , filed by Defendants HARMON, C. QUARRIER, SUMMERS, A. TERRY. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 04/21/2025) |
| 04/23/2025 | 75 | ORDER - This matter is before the Court on the Defendants' motion for leave to depose Plaintiff, Seth A. Vilchuck, an incarcerated individual. Dkt. 74 The Court, being duly advised, hereby GRANTS the motion. Defendants are granted leave to depose the Plaintiff at a date to be arranged with the facility and prior to the close of discovery. The deposition may be taken via a videoconferencing service. Signed by Magistrate Judge Mark J. Dinsmore on 4/23/2025. (CKM) (Entered: 04/23/2025) |
| 04/24/2025 | 76 | NOTICE of Appearance by Elijah B. Mollet on behalf of Defendants HARMON, C. QUARRIER, SUMMERS, A. TERRY. (Mollet, Elijah) (Entered: 04/24/2025) |
| 04/24/2025 | 77 | RESPONSE in Opposition re 48 MOTION for Preliminary Injunction MOTION for Temporary Restraining Order , filed by Defendants HARMON, C. QUARRIER, SUMMERS, A. TERRY. (Attachments: # 1 Exhibit A -Affidavit of Bookout, # 2 Exhibit B - Video of HCH 3B)(Mollet, Elijah) (Entered: 04/24/2025) |
| 04/24/2025 | 78 | NOTICE of Manual Filing of <i>Exhibit B: Video of HCH 3B</i> re 77 Response in Opposition to Motion, filed by HARMON, C. QUARRIER, SUMMERS, A. TERRY (Mollet, Elijah) (Entered: 04/24/2025) |

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| 04/29/2025 | 79 | *** WITHDRAWN PER ORDER 83 *** MOTION for Entry of Default, filed by Plaintiff SETH A. VILCHUCK. (JRB) Modified on 5/9/2025 (CKM). (Entered: 04/29/2025) |
| 04/30/2025 | 80 | REPLY in Support of 48 MOTION for Preliminary Injunction MOTION for Temporary Restraining Order, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(JRB) (Entered: 04/30/2025) |
| 05/05/2025 | 81 | MOTION to Withdraw 79 MOTION for Clerk's Entry of Default, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 05/05/2025) |
| 05/05/2025 | 82 | Receipt of one CD received in the Indianapolis Division re 78 NOTICE of Manual Filing of <i>Exhibit B: Video of HCH 3B</i> re 77 Response in Opposition to Motion, filed by HARMON, C. QUARRIER, SUMMERS, A. TERRY (Molle, Elijah) (Attachments: # 1 Notice of Manual Filing, # 2 Envelope) (CCG) (Entered: 05/05/2025) |
| 05/09/2025 | 83 | ORDER - granting 81 MOTION to Withdraw 79 MOTION for Clerk's Entry of Default. The Clerk is directed to show Docket No. 79 as WITHDRAWN. Signed by Magistrate Judge Mark J. Dinsmore on 5/9/25. (CKM) (Entered: 05/09/2025) |
| 05/13/2025 | 84 | MOTION to Take Deposition, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 05/13/2025) |
| 05/13/2025 | 85 | NOTICE to Court of Service of Request for Discovery and Admission from Witness and Defendants and Added Witness, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 05/13/2025) |
| 05/15/2025 | 86 | ORDER - Plaintiff's motion for leave to depose Defendants, dkt. 84 , is DENIED as unnecessary. Defendant required leave of court to depose Plaintiff Gary because Mr. Gary is incarcerated. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 5/15/2025. (AAS) (Entered: 05/16/2025) |
| 05/20/2025 | 87 | NOTICE to Court of Settlement Demand Served on Defendants, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 05/20/2025) |
| 05/23/2025 | 88 | DISCOVERY - Third and Final Set of Interragories, filed by Plaintiff SETH A. VILCHUCK.(JRB) (Entered: 05/23/2025) |
| 05/23/2025 | 89 | ***WITHDRAWN PER ORDER AT DKT. 92 *** MOTION for Issuance of Subpoena, filed by Plaintiff SETH A. VILCHUCK. (JRB) Modified on 6/6/2025 (BAA). (Entered: 05/23/2025) |
| 05/27/2025 | 90 | NOTICE to Court of Served Discovery on Defendants, filed by Plaintiff SETH A. VILCHUCK (Attachments: # 1 Exhibit) (JRB) (Entered: 05/27/2025) |
| 06/06/2025 | 91 | MOTION to Withdraw 89 MOTION for Issuance of Subpoena, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 06/06/2025) |
| 06/06/2025 | 92 | ORDER - This matter is before the Court on Plaintiff's Motion to Withdraw Pending Motion for Issuance of Subpoena. [Dkt. 91 .] The motion is GRANTED. The Clerk is directed to show Docket No. 89 as WITHDRAWN. Signed by Magistrate Judge Mark J. Dinsmore on 6/6/2025. (BAA) (Entered: 06/06/2025) |
| 06/10/2025 | 93 | NOTICE to Court of Service on Defendants for Global Settlement, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 06/10/2025) |

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| 06/18/2025 | 94 | MOTION for Ruling on Motion to Dismiss, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 06/18/2025) |
| 06/18/2025 | 95 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 06/18/2025) |
| 06/26/2025 | 96 | Order Directing Dismissal of Defendant - Mr. Vilchuck's motion to dismiss and motion for a ruling on that motion are GRANTED. Dkts. 73 , 94 . All claims against Sgt. Harmon are dismissed without prejudice. The clerk is directed to terminate Sgt. Harmon as a defendant on the docket. SEE ORDER. Signed by Judge Tanya Walton Pratt on 6/26/2025. (AAS) (Entered: 06/27/2025) |
| 07/07/2025 | 99 | ORDER denying 48 Motion for Preliminary Injunction and Temporary Restraining Order. (SEE ORDER.) Signed by Judge Tanya Walton Pratt on 7/7/2025. (TPS) Modified on 7/8/2025 - Updated date signed (JSR). (Entered: 07/08/2025) |
| 07/08/2025 | 97 | MOTION for Ruling on Pending Preliminary Injunction, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 07/08/2025) |
| 07/08/2025 | 98 | MOTION Requesting Court to File Charges on Defendants for Violation Penalties of Perjury, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(JRB) (Entered: 07/08/2025) |
| 07/11/2025 | 100 | MOTION for Assistance with Recruiting Counsel, filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(JRB) (Entered: 07/11/2025) |
| 07/11/2025 | 101 | Submission of Letter to Federal District Attorney, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 07/11/2025) |
| 08/12/2025 | 102 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by Seth Vilchuck. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 08/12/2025) |
| 08/12/2025 | 103 | ORDER REFERRING CASE TO MAGISTRATE JUDGE TIM A. BAKER FOR SETTLEMENT CONFERENCE ONLY - SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 8/12/2025.(JRB) (Entered: 08/13/2025) |
| 08/13/2025 | 104 | ORDER SETTING GLOBAL SETTLEMENT CONFERENCE AND RELATED DEADLINES - This matter is set for a global settlement conference on 11/24/2025 at 9:00 AM in room #234, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Tim A. Baker. The global settlement conference will include the following cases: SEE ORDER. Signed by Magistrate Judge Tim A. Baker on 8/13/2025. (KAA) (Entered: 08/13/2025) |
| 08/14/2025 | 105 | MOTION to Extend Deadlines <i>to File Motions for Summary Judgment</i> , filed by Defendants C. QUARRIER, SUMMERS, A. TERRY. (Attachments: # 1 Text of Proposed Order Extending MSJ Deadline)(Shouse, Eric) (Entered: 08/14/2025) |
| 08/18/2025 | 107 | ORDER - This matter is before the Court on Defendants' Motion to Extend the Motion for Summary Judgment Deadline. [Dkt. 105 .] The Court, being duly advised, hereby GRANTS IN PART and DENIES IN PART the motion. Paragraph I(F) of the Court's October 23, 2024 Order Setting Pretrial Schedule and Discussing Discovery in Prisoner Litigation [Dkt. 36] Dispositive Motions due by 12/15/2025. Signed by Magistrate Judge Mark J. Dinsmore on 8/18/2025. (See Order.) (BAA) (Entered: 08/19/2025) |

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| 08/19/2025 | 106 | MOTION for Case Status, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 08/19/2025) |
| 09/22/2025 | 108 | ORDER - Plaintiff's motion for status update, dkt. 106 , is GRANTED to the extent that the Court confirms that this case is included in the global settlement conference that is set for November 24, 2025, with Magistrate Judge Baker. The Clerk is directed to enclose a copy of the Court's Order of August 13, 2025, dkt. 104 , with Plaintiff's copy of this Order. That Order includes a list of the cases included in the global settlement conference. Signed by Magistrate Judge Mark J. Dinsmore on 9/22/2025. (Attachments: # 1 Dkt. 104) (BAA) (Entered: 09/23/2025) |
| 10/14/2025 | 109 | ORDER - denying as moot 97 Motion; denying 98 Motion; denying 100 Motion to Appoint Counsel *** SEE ORDER ***. Signed by District Judge Tanya Walton Pratt on 10/14/2025. (CKM) (Entered: 10/14/2025) |
| 11/24/2025 | 110 | MINUTE ORDER ON NOVEMBER 24, 2025, SETTLEMENT CONFERENCE - Parties appeared in person and by counsel on November 24, 2025, for a settlement conference. Settlement discussions held but no settlement was reached. Conference concluded without further order. Signed by Magistrate Judge Tim A. Baker. (DMB) (Entered: 11/24/2025) |
| 12/09/2025 | 111 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by SETH A. VILCHUCK. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 12/09/2025) |
| 12/12/2025 | 112 | MOTION for Trial Date, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 12/12/2025) |
| 12/15/2025 | 113 | MOTION for Summary Judgment , filed by Defendants C. QUARRIER, SUMMERS, A. TERRY. (Mollet, Elijah) (Entered: 12/15/2025) |
| 12/15/2025 | 114 | Designation of Evidence re 113 MOTION for Summary Judgment , filed by Defendants C. QUARRIER, SUMMERS, A. TERRY. (Attachments: # 1 Exhibit A - Deposition of Vilchuck, # 2 Exhibit B - Affidavit of Quarrier, # 3 Exhibit C - Affidavit of Terry, # 4 Exhibit D - Affidavit of Sommers)(Mollet, Elijah) (Entered: 12/15/2025) |
| 12/15/2025 | 115 | BRIEF/MEMORANDUM in Support re 113 MOTION for Summary Judgment , filed by Defendants C. QUARRIER, SUMMERS, A. TERRY. (Mollet, Elijah) (Entered: 12/15/2025) |
| 12/15/2025 | 116 | NOTICE REGARDING RIGHT TO RESPOND AND SUBMIT EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, filed by Defendants C. QUARRIER, SUMMERS, A. TERRY (Mollet, Elijah) (Entered: 12/15/2025) |
| 12/23/2025 | 117 | Letter to the Court from Seth A Vilchuck. (SAM) (Entered: 12/23/2025) |
| 12/23/2025 | 118 | MOTION to Appoint Counsel, filed by Plaintiff SETH A. VILCHUCK. (SAM) (Entered: 12/23/2025) |
| 12/23/2025 | 119 | MOTION for Court Assistance, filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 12/23/2025) |
| 12/30/2025 | 120 | NOTICE to the Court, filed by Plaintiff SETH A. VILCHUCK (JRB) (Entered: 12/30/2025) |
| 12/31/2025 | 121 | RESPONSE in Opposition to 113 MOTION for Summary Judgment , filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 12/31/2025) |

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| 12/31/2025 | 122 | BRIEF/MEMORANDUM in Support of 121 Response in Opposition to 113 MOTION for Summary Judgment , filed by Plaintiff SETH A. VILCHUCK. (JRB) (Entered: 12/31/2025) |
| 12/31/2025 | 123 | Designation of Evidence in Support of 121 Response in Opposition to 113 MOTION for Summary Judgment , filed by Plaintiff SETH A. VILCHUCK. (Attachments: # 1 Exhibit)(JRB) (Entered: 12/31/2025) |
| 01/05/2026 | 124 | Correspondence REQUESTING COPY of Case Docket Sheet, filed by SETH A. VILCHUCK. (Attachments: # 1 Docket Sheet) (JRB) (Entered: 01/05/2026) |
| 01/14/2026 | 125 | MOTION to Withdraw 113 MOTION for Summary Judgment , 115 Brief/ Memorandum in Support, 114 Designation of Evidence , filed by Defendants C. QUARRIER, SUMMERS, A. TERRY. (Attachments: # 1 Text of Proposed Order Withdrawning Defendants' Motion for Summary Judgment)(Molle, Elijah) (Entered: 01/14/2026) |
| 01/16/2026 | 126 | ORDER ON PENDING MOTIONS - This matter is before the Court on several pending motions which are resolved in this Order. Defendants' Motion to Withdraw their Summary Judgment Motion is GRANTED. Dkt. 125 . The clerk is directed to terminate the Motion for Summary Judgment at (Dkt. 113). In light of Defendants' withdrawal of their summary judgment motion, the Court now reconsiders the denials of Vilchuck's prior requests for appointment of counsel, and his renewed Motion for Assistance Recruiting Counsel, Dkt. 118 is GRANTED. The Court will attempt to recruit counsel for Plaintiff for the remainder of these proceedings through settlement or trial. Vilchuck's "Motion for Assistance, Dkt. 119 is DENIED as essentially duplicative of his renewed motion for counsel at Dkt. 118 . Vilchuck's Motion to Set a Trial Date, Dkt. 112 , is GRANTED, and a trial date will be scheduled in a separate Order. Signed by District Judge Tanya Walton Pratt on 1/16/2026. (See Order.) (BAA) (Entered: 01/16/2026) |
| 01/16/2026 | 127 | SCHEDULING ORDER - Final Pretrial Conference is set for 9/23/2026 03:00 PM in room #344, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before District Judge Tanya Walton Pratt. Jury Trial is set for 10/19/2026 09:00 AM in room #344, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before District Judge Tanya Walton Pratt. The clerk is directed to mail a copy of the Court's Courtroom Procedures and Trial Practice with Mr. Vilchuck's copy of this order. Signed by District Judge Tanya Walton Pratt on 1/16/2026. (Attachments: # 1 Exhibit Court's Courtroom Procedures and Trial Practice)(CKM) (Entered: 01/16/2026) |

Case #: 1:24-cv-00141-TWP-MJD