

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF INDIANA  
 INDIANAPOLIS DIVISION

KEVIN REAVES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:16-cv-02741-LJM-DKL
	)	
INDIANA DEPARTMENT OF	)	
CORRECTION,	)	
	)	
Defendant.	)	

**Entry Granting Withdrawal of Exhaustion Defense  
 and Setting Pretrial Schedule**

**I.**

The defendants’ motion to withdraw affirmative defense of failure to exhaust administrative remedies [dkt. 29] is **granted**. The affirmative defense of failure to exhaust administrative remedies is **withdrawn**.

**II.**

The action shall proceed in accordance with the following schedule:

- A. No later than March 27, 2017** – Any party who wants to amend its Complaint, Answer, or other pleading must file a motion requesting permission to do so, with a proposed amended pleading attached thereto. This includes trying to add new parties to the suit.
- B. No later than April 19, 2017** – Each party must give the other parties a list (with addresses and telephone numbers) of every witness who has knowledge that could help prove that party’s claims or defenses. For each

witness the party lists, there should be a brief description of what that witness knows. This list shall NOT be filed with the Court.

- C. No later than April 19, 2017** – Each party must give the other parties copies of all documents or electronic data that the party has that it may use to prove its case. The copies of documents shall NOT be filed with the Court.
- D. No later than April 19, 2017** – The Plaintiff must give the Defendant(s) a written estimate of how much money the Plaintiff claims he is entitled to for any injuries or damages the Plaintiff claims to have suffered. At that time, the Plaintiff must also give the Defendant(s) all non-privileged documents that support that estimate, including those that might prove the nature and the extent of the Plaintiff's injury. This estimate and the documents are NOT filed with the Court.
- E.** The parties must update the information and documents that they provided to each other under Paragraphs B-D above as additional information becomes available to them. The Court may prevent a party from using evidence that it has not shared with the other side.
- F. No later than July 5, 2017** - The Plaintiff shall serve on the Defendant(s) his settlement demand, explaining on what terms or amount of money he would agree to resolve this case without further litigation. The Defendant(s) must respond in writing within 30 days. Neither the Plaintiff's demand nor the Defendant's response shall be filed with the Court.
- G. No later than August 4, 2017** - Each party must notify the Court whether the party believes a settlement conference with the Magistrate Judge would be

beneficial in resolving the action. This submission should not contain any information regarding settlement discussions between the parties, but should simply state whether or not the party wishes to have a formal settlement conference.

**H. No later than September 5, 2017** - The parties shall complete written discovery and discovery depositions pursuant to Rules 26 through 37 and 45 of the *Federal Rules of Civil Procedure*. This means discovery must be served 30 days before the deadline to allow time for a response.

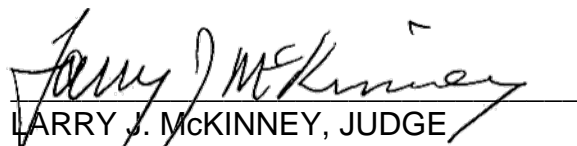
**I. No later than July 5, 2017** – Each party must tell the other parties if it intends to use any testimony by expert witnesses. At that time, if a party intends to use an expert, it must give the other party a signed report from the expert that presents all the witness' opinions and all the other information required by Federal Rule of Civil Procedure 26(a)(2). Thirty days later, the other side must file a report by any rebuttal expert.

**J. No later than October 5, 2017**– Any party who believes that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law, and therefore the case does not need to go to trial, must file its motion under Federal Rule of Civil Procedure 56 and Local Rule 56-1.

**K.** If the case is not resolved by settlement, motion, or other ruling, the Court will set a trial date.

**IT IS SO ORDERED.**

Date: 3/6/2017

  
LARRY J. MCKINNEY, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

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