

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF INDIANA  
SOUTH BEND DIVISION

THERESA RHOADES and MICHAEL )  
ALLEN RHOADES, individually and )  
as parents and next friends of )  
CHELSEA RHOADES, a minor )

Plaintiffs, )

v. )

3:05-CV-0586

PENN HARRIS MADISON SCHOOL )  
CORPORATION, an Indiana political subdivision; )  
DAVID R. TYDGAT, individually and in his )  
official capacity as Principal of Penn High School, )  
a division of Penn-Harris-Madison School )  
Corporation; DAVE RISNER, individually )  
and in his official capacity as Associate Principal )  
of Penn High School; STEVEN HOPE, individually )  
and in his official capacity as )  
Assistant Principal of Penn High School; )  
VICKIE MARSHALL, individually and in her )  
official capacity as Guidance Counselor at )  
Penn High School; MARNI CRONK )  
Individually and in her official capacity as )  
Guidance Counselor at Penn High School; and )  
MADISON CENTER, INC. an Indiana )  
non-profit corporation. )

Defendants. )

**PLAINTIFFS’ PROPOSED DISCOVERY PLAN**

1. Conferring Counsel. In accordance with Fed. R. Civ. P. 26(f), counsel for the parties, as listed below, have conferred, but have been unable to agree on a joint discovery plan. All Plaintiffs agree to the following plan. Though the Defendants urge putting off discovery deadlines until 2007, Plaintiffs strongly disagree. The Defendants’ basis for pushing dates off until 2007, i.e. application of the Indiana Medical Malpractice Act, is disputed by Plaintiffs as may be seen in Plaintiffs’ Response to Motion to Dismiss filed herein on November 8, 2005. Plaintiffs in said pleading state that Plaintiffs make no “claim for bodily injury”, and thus the statute does not apply to this case. Therefore, the Defendants’ basis for selecting dates

in 2007 is not a valid basis for delay of this case.

John R. Price

Plaintiffs

D. Andrew Spalding

Madison Center, Inc.

Thomas E. Wheeler, II  
Anthony W. Overholt

Penn-Harris-Madison School Corp.,  
David R. Tydgat,  
Dave Risner,  
Steven Hope,  
Vickie Marshall, and  
Marni Cronk

2. Pre-Discovery Disclosures. The parties will exchange by **April 30, 2006** the information required by Fed. R. Civ. P. 26(a)(1).
3. Discovery Plan. Plaintiffs propose to the court the following discovery plan:
  - A. Discovery will be needed on the following subjects:

The nature of any contractual relationships among the defendants, including contracts, communications, policies, procedures and protocols pertinent to the TeenScreen Program.

The history, background, financial status, licensing history, record of complaints, litigation history, and other relevant issues related to the Madison Center, Inc.

The health history of Chelsea Rhoades.

Details of the alleged damages suffered by Plaintiffs.

Any other subjects determined to be relevant during the course of discovery.
  - B. The last date for the completion of all discovery is **August 30, 2006**.
  - C. There will be a maximum of 50 interrogatories by each party to any other party.
  - D. There will be a maximum of 50 requests for admission by each party to any other party.
  - E. There will be maximums of twenty-five (25) depositions by plaintiffs and

twenty-five (25) depositions by defendants.

- F. Each deposition will be limited to maximum of four (4) hours unless extended by agreement of parties.
- G. The filing of reports from retained experts under Rule 26(a)(2) will be due:
  - i. from plaintiffs by **July 30, 2006**; and
  - ii. from defendants by **August 30, 2006**.
- H. Any evidentiary objections to another party's expert witness, whether directed to the witness's qualifications or to the foundation for the anticipated testimony, shall be filed by **September 30, 2006**. Counsel stipulate that a failure to file such objections is waiver of any objection to opinion testimony outlined in the statement filed by the witness's proponent.
- I. Supplementations under Rule 26(e) will be due every sixty (60) days.

4. Other Items.

- A. The last date for the plaintiffs to seek leave of court to join additional parties and to amend the pleadings will be **February 28, 2006**.
- B. The last date for the defendants to seek leave of court to join additional parties and to amend the pleadings will be **March 15, 2006**.
- C. The last date for the filing of all potentially dispositive motions will be **September 30, 2006**.
- D. The parties have agreed upon Tom Lemon as mediator. Thirty (30) days before the final pretrial conference counsel will provide a written status report to the ADR administrator regarding the status of mediation.
- E. The case should be ready for jury trial by **December 1, 2006** and at this time is expected to take approximately five (5) days.

Counsel are aware that the Court has various audio/visual and evidence presentation equipment available for use at trial at no cost to the Bar, including an evidence presentation system, which consists of a document camera, digital projector, and screen. Counsel are aware that the projector may be used to display images which originate from a variety of sources, including television, VCR, and personal computer, and that the document camera may be used to

display documents, photographs, charts, transparencies, and small objects. Counsel acknowledge they may contact one of the Court's courtroom deputy clerks for information or training.

DATED this 20<sup>th</sup> day of January, 2006.

Respectfully submitted,

JOHN R. PRICE & ASSOCIATES

*s/John R. Price*

John R. Price,  
Counsel for Plaintiffs

PARTICIPATING ATTORNEY FOR  
THE RUTHERFORD INSTITUTE

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PARTICIPATING ATTORNEY FOR  
THE RUTHERFORD INSTITUTE

**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2005, a copy of the foregoing *Plaintiffs' Proposed Discovery Plan* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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*s/John R. Price*  
John R. Price, Counsel for Plaintiffs

Rhoades/Pl. Proposed CMP