

STATE OF INDIANA ) MARION SUPERIOR COURT, CIVIL DIV, #1  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. 49D01-1907-PL-027728

JOSHUA PAYNE-ELLIOT, )  
Plaintiff, )  
 )  
vs. )  
 )  
ROMAN CATHOLIC ARCHDIOCESE )  
OF INDIANAPOLIS, INC., )  
Defendant. )

**FILED**  
December 6, 2019  
*Myra A. Eldridge*  
CLERK OF THE COURT  
MARION COUNTY  
RB

**ORDER CONTINUING HEARING SET FOR DECEMBER 12, 2019**

Comes now the Court, and regretfully, continues the hearings set on December 12, 2019. On December 5, 2019, Special Judge Heimann's wife's neurosurgeon determined that a significant and complex surgery is required for the Special Judge's wife. The neurosurgeon scheduled the surgery for December 12, 2019. Therefore, the Special Judge will not be able to attend the hearings previously set on December 12<sup>th</sup>.

On December 5, 2019, the Court communicated this fact by email to the attorneys for the parties, as well as the attorneys for Cathedral's Trustees, Inc. and the U.S. Attorney's office. The email further indicated that the Special Judge is hopeful and reasonably believes that this matter will be resolved at a settlement conference.

Therefore, unless there is a rational objection, the Court will reset this matter for a half-day settlement conference separate from a later half-day hearing on the Motion to Dismiss and the other pending discovery matters. If there is a rational objection to having a settlement conference on a separate day from the hearings on the Motion to Dismiss, etc., then the Court will set this case for a full day to have the settlement conference as well as the hearings on the Motion to Dismiss, etc.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that on or before December 18, 2019, *the two parties* shall submit (separately or jointly) to the Court dates between January 13, 2020 and February 14, 2020 when they are available for a one-half day settlement conference either in the morning or the afternoon or both.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if either of the parties has any objection to holding a settlement conference on a different day from the hearings on the Motion to Dismiss, etc., then that party shall file that objection with the Court on or before December 18, 2019.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties, *as well as the Attorney General and Cathedral's Trustees, Inc.*, shall each file a list of those dates between January 13, 2020 and March 13, 2020 when they will be available for an full day hearing for a settlement conference as well as hearings on the Motion to Dismiss, etc. These potential dates will only be necessary in the event that one of the parties objects to holding the settlement conference on a day separate from the hearings on the Motion to Dismiss, etc.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the parties, *as well as the Attorney General and Cathedral's Trustees, Inc.*, shall each file a list of those dates between February 3, 2020 and March 13, 2020 when they will be available for a half-day for the hearings on the Motion to Dismiss, etc. These potential dates will only be necessary in the event that there is a separate settlement conference date that does not produce a settlement.

All of which is ORDERED this 6<sup>th</sup> day of December, 2019.

  
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Special Judge, Stephen R. Heimann

CC:

Kathleen A. DeLaney and Christopher S. Stake

John S. Mercer

Christopher Pagliarella, Daniel H. Bloomberg, and Luke W. Goodrich

Josh J. Minkler

Elliott M. Davis.

Thomas E. Wheeler and Stephanie V. McGowan