

NO. 26-5611

In the Supreme Court of the United States

KEVIN MICHAEL CARDWELL,

Petitioner

v.

OFFICE OF THE ATTORNEY GENERAL. et. al,

Respondents

On Petition for a Writ of Certiorari to the
Indiana Supreme Court

**BRIEF OF RESPONDENT PAUL DAVID BOJRAB, M.D.
IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI**

O'NEILL MCFADDEN & WILLETT LLP

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Attorney for Respondent,

Paul David Bojrab, M.D.

COUNTER-STATEMENT OF QUESTION PRESENTED

1. Are State Appellate Courts permitted to dismiss appeals on procedural grounds after previously giving litigants multiple opportunities to correct procedural errors?

RELATED CASES NOT IDENTIFIED BY PETITIONER

Indiana Howard County Superior Court 1; Docket No. 34D01-2309-CT-002645;
Caption: Kevin Michael Cardwell v. Carol B Sheridan MD, Paul David Bojrab, M.D.et
al; Judgment entered on October 6, 2023.

Indiana Court of Appeals; Docket No. 23A-CT-02577, Caption: Kevin Michael
Cardwell v. Paul David Bojrab, M.D., et al; Judgment affirmed on August 26, 2024

Indiana Supreme Court, Docket No. 23A-CT-02577, Caption: Kevin Michael
Cardwell v. Paul David Bojrab, M.D., et al; further appellate review denied on
February 12, 2025.

Indiana Howard County Superior Court 4, Docket No. 34D04-2503-CT-000964,
Caption: Paul D Bojrab, Carol B. Sheridan, Michael E. O'Neill, Edna M. Koch, et. al;
Judgment entered on October 17, 2025.

United States Supreme Court, Docket No. 24-7131, Caption: Kevin Michael
Cardwell v. Paul David Bojrab, M.D., et al; certiorari denied on October 6, 2025.

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INTRODUCTION

Petitioner Kevin Michael Cardwell (“Cardwell”), *pro se*, filed an Appeal with the Indiana Court of Appeals. His appeal was subsequently dismissed after he tendered two non-compliant appellate briefs and failed to tender a compliant brief by the final deadline set by the court. Cardwell now alleges that this dismissal violated federal due process and seeks review by this Court under the 14th Amendment to the Constitution of the United States. Dr. Bojrab offers this brief response in opposition.

STATEMENT OF CASE

On April 22, 2025, Petitioner Kevin Michael Cardwell, *pro se*, filed a Complaint for Damages with Indiana's Howard Superior Court. Resp. App. 4a.¹ His complaint was a traditional civil tort claim, not involving child custody, marriage, or any other fundamental liberty interests. Resp. App. 1a. This is the fourth lawsuit Cardwell has filed in connection to medical care and treatment rendered by Paul David Bojrab, M.D. on September 30, 2021. This current lawsuit was dismissed on October 17, 2025. Resp. App. 15a.

Cardwell filed his appeal on February 3, 2026. Resp. App. 26a. The Appellate Transcript was completed on March 16, 2026. Resp. App. 28a. Pursuant to Ind. R. App. P. 45, Cardwell's Appellate Brief was due by April 15, 2026. This rule also specifies that "Rule 25(C), which grants a three-day extension of time for service by mail or third-party commercial carrier, does not extend the due date for filing the appellant's brief."

Cardwell's brief was mailed on April 15, 2026, received by the Court of Appeals on April 17, 2026, and filed on April 22, 2026. Resp. App. 31a. These filings were defective, and the Court sent Mr. Cardwell notices of defect regarding the same. Resp. App. 31-32a. On May 1, 2026, the Court of Appeals entered an order that partially dismissed Cardwell's appeal, which he does not appear to be contesting at this time. This order also required Cardwell to file a brief and appendix that fully complied with

¹ As Petitioner's appendix is missing several of the documents required by Sup. Ct. R. 14(1)(i), Respondent has provided the relevant chronological case summaries in their appendix.

the Rules of Appellate Procedure within ten (10) days (by May 11, 2026), and explicitly warned Cardwell that failure to comply with the order may result in dismissal of this appeal. Resp. App. 33a., Pet. App. 6-7. Cardwell mailed his brief and appendix again on April 29, 2026, which was received by the Appellate Court on May 4, 2026 and considered to be tendered the same day. These documents were again defective. Resp. App. 34-35a, Pet. App. 1-2.

On May 12, 2026, Cardwell filed his Appellate Brief for a third time. This was received on May 14, 2026, and filed on May 19, 2026. Resp. App. 36-37. Also on May 19, 2026, the Appellate Court dismissed Cardwell's appeal, with prejudice, due to his failure to timely tender an appellate brief. Pet. App. 1-2. Cardwell sought a rehearing of the Appellate Court's decision to dismiss his appeal and transfer to Indiana's Supreme Court, both of which were denied. Pet. App. 4-5. This Petition for a *Writ of Certiorari* follows.

REASONS FOR DENYING CERTIORARI

I. Cardwell's Repeatedly Violations of Indiana's Appellate Rules of Procedure, Despite Multiple Opportunities to Correct his Briefing, Warranted Dismissal.

Ind. R. App. P. 45(D) clearly warns that failure to timely file an appellate brief may subject the appeal to summary dismissal. As seen in the Statement of Case, Cardwell tendered three (3) separate appellate briefs to the Court of Appeals. His first and third briefs were untimely, and all three of them were defective. There was no ambiguity in the May 1, 2026 Court Order: it provided an explicit deadline and warned of dismissal if it was not met. Cardwell proceeded to mail a third defective brief after that deadline had passed, leading to the Court dismissing his appeal.

Cardwell's Petition fluctuates between arguing that this third brief was compliant with Indiana's Appellate rules (which is patently untrue based on the chronological case summary) and arguing that he should have been given additional opportunities to correct his response because his third brief constituted a "corrective effort". This is similarly false, as in both Indiana and federal courts, a Court is permitted to dismiss a lawsuit for failure to comply with a Court's order, regardless of whether compliance was attempted. *Rivers v. Methodist Hosps., Inc.*, 654 N.E.2d 811, 814 (Ind. Ct. App. 1995), *Cartwright v. Silver Cross Hosp.*, 962 F.3d 933, 936 (7th Cir. 2020). Moreover, Cardwell's arguments would essentially render any rules regarding timing irrelevant, as even untimely filings would be allowed to extend the time of a response. Accordingly, discretionary dismissal of Cardwell's Appeal under Ind. R. App. P. 45(D) was proper.

II. Cardwell's Cited Caselaw is Irrelevant to the Issues at Hand.

The only case Cardwell cited which involved the acceptance of an untimely appeal is *O.R. v. K.G.*, 16 N.E.3d 965 (Ind. 2014). This case is distinguishable, as the ruling hinged on the subject matter of that case being the “fundamental liberty interest” of child custody, which invoked the Fourteenth Amendment of the United States Constitution. *Id.* at 972. As Cardwell's claim is a traditional civil tort, this ruling is inapplicable.

The remaining cases Cardwell cites in support are primarily cases where the plaintiff alleges that they were denied the ability to pursue their case by an outside entity, rather than being the dismissal stemming from their negligence. One such case is *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 436, 102 S. Ct. 1148, 71 L. Ed. 2d 265 (1982). There, the Plaintiff was unable to pursue his unlawful termination claim because the statutorily required factfinding conference was not held within the required time period due to an error by the Illinois Fair Employment Practices Commission, rather than either of the parties. *Id.* at. 1152. Another example is *Mayberry v. Am. Acceptance Co., LLC*, 242 N.E.3d 1053, 1056 (Ind. 2024), where an appeal was dismissed due to a court clerk's failure to file a timely transcript. Cardwell's appeal is distinguishable because it was dismissed due to his own conduct in failing to timely comply with Indiana's Appellate rules, rather than a state or federal rule that made compliance impossible or overly difficult.

Cardwell's situation is similar to *Beard v. Kindler*, 558 U.S. 53, 130 S. Ct. 612, 614, 175 L. Ed. 2d 417 (2009), in which a Defendant was deemed to have forfeited post-verdict review after he escaped from prison under a discretionary Pennsylvania

rule. In a holding so obvious the Supreme Court described it as “uncontroversial”, the Court affirmed the use of discretionary State rules to eliminate potential federal claims. *Id.* at 618-619. While not as dramatic as a prison break, Cardwell’s failure to timely tender a brief nonetheless represents a willful violation of Indiana’s Appellate rules, and his Appeal was properly dismissed as a result.

CONCLUSION

For the foregoing reasons, this Court should deny the Petition for a Writ of Certiorari.

Respectfully Submitted,

/s/ Michael E. O’Neill

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APPENDIX A

Kevin M. Cardwell vs Todd Rokita, Melissa Gustafson, Paul D. Bojrab, Carol B. Sheridan, Keith Michaels, Rafael Mclaughlin, John Doe

Case Number	34D04-2504-CT-001363
Court	Howard Superior Court 4
Type	CT - Civil Tort
Filed	04/22/2025
Status	10/17/2025 , Decided
Related	Lower Trial Court Case 26A-CT-00274

Parties to the Case

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Pro Se
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 317-269-9330(W)

Plaintiff Cardwell, Kevin M

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 Indianapolis, IN 46228

Chronological Case Summary

04/22/2025 **Case Opened as a New Filing**

04/22/2025 **Motion for Fee Waiver Filed**

Filed By: Cardwell, Kevin M
 File Stamp: 04/22/2025

04/22/2025 **Motion Filed**

Exemption from Mandatory Electronic filing

Filed By: Cardwell, Kevin M
 File Stamp: 04/22/2025

04/22/2025 **Complaint/Equivalent Pleading Filed**

Filed By: Cardwell, Kevin M
 File Stamp: 04/22/2025

05/02/2025 **Order Granting**

Waiver of Filing fee

Judicial Officer: Pate, Hans S.
 Order Signed: 05/02/2025

05/03/2025 Automated Paper Notice Issued to Parties

Order Granting ---- 5/2/2025 : Office of the Attorney General;Melissa Gustafson;Paul Bojrab;Carol Sheridan;Keith Michaels;John Doe

05/03/2025 Automated ENotice Issued to Parties

Order Granting ---- 5/2/2025 : Kevin M Cardwell;Rafael Patrick McLaughlin

05/13/2025 Motion Filed

Motion for Production of Zoom Video from Prior Case

Filed By: Cardwell, Kevin M

File Stamp: 05/13/2025

06/05/2025 Motion Filed

Motion for Clerk of Court to Serve Summons and Complaint

Filed By: Cardwell, Kevin M

File Stamp: 06/05/2025

06/19/2025 Order Denying

Plaintiff's Motion to Order the Clerk to Serve Defendant's with a Copy of the Complaint and a Summons

Judicial Officer: Pate, Hans S.

Order Signed: 06/19/2025

06/19/2025 Hearing Scheduling Activity

Hearing on Motion for 41(E) Dismissal scheduled for 10/28/2025 at 9:00 AM.

06/20/2025 Automated Paper Notice Issued to Parties

Order Denying ---- 6/19/2025 : Office of the Attorney General;Melissa Gustafson;Paul Bojrab;Carol Sheridan;Keith Michaels;John Doe Hearing Scheduling Activity ---- 6/19/2025 : Office of the Attorney General;Melissa Gustafson;Paul Bojrab;Carol Sheridan;Keith Michaels;John Doe

06/20/2025 Automated ENotice Issued to Parties

Order Denying ---- 6/19/2025 : Kevin M Cardwell;Rafael Patrick McLaughlin Hearing Scheduling Activity ---- 6/19/2025 : Kevin M Cardwell;Rafael Patrick McLaughlin

06/23/2025 Subpoena/Summons Issued

Todd Rokita Clerk to serve summons by US Mail.

File Stamp: 06/23/2025

06/23/2025 Subpoena/Summons Issued

Melissa Gustafson Clerk to serve summons by US Mail

File Stamp: 06/23/2025

06/23/2025 Subpoena/Summons Issued

John or Jane Doe Clerk to serve summons by US Mail

File Stamp: 06/23/2025

06/23/2025 Subpoena/Summons Issued

Keith Michaels Clerk to serve summons by US Mail

File Stamp: 06/23/2025

06/23/2025	Subpoena/Summons Issued Carol B. Sheridan Clerk to serve summons by US Mail File Stamp: 06/23/2025
06/23/2025	Subpoena/Summons Issued Paul D. Bojrab Clerk to serve summons by US Mail File Stamp: 06/23/2025
06/23/2025	Subpoena/Summons Issued Rafael P. McLaughlin Clerk to serve summons by US Mail File Stamp: 06/23/2025
06/27/2025	Clerk Administrative Event Clerk issues summons to Rafael McLaughlin, Paul Bojrab, Carol Sheridan, Keith Michaels, John or Jane Doe, Melissa Gustafson, Todd Rokita, by regular mail. law
07/03/2025	Motion Filed Plaintiff's Motion to Settle Filed By: Cardwell, Kevin M File Stamp: 07/03/2025
07/08/2025	Motion to Dismiss Filed Defendant Rafael P. McLaughlin's Motion to Dismiss Filed By: McLaughlin, Rafael Patrick File Stamp: 07/08/2025
07/21/2025	Motion To Compel Motion to Compel Production of Zoom Video Containing Critical Evidence in Cause No. 34D04-2409-CT-2978 Filed By: Cardwell, Kevin M File Stamp: 07/16/2025
07/21/2025	Response Filed Motion in Response to Court's Order Pursuant to TR 41(E) File Stamp: 07/18/2025
07/21/2025	Motion for Leave to Amend Filed Motion for Leave to Amend Complaint and Submission of Amended Complaint and to add Defendant's Filed By: Cardwell, Kevin M File Stamp: 07/16/2025
07/21/2025	Subpoena/Summons Filed Clerk to issue Summons - Edna Koch File Stamp: 07/16/2025
07/21/2025	Subpoena/Summons Filed Clerk to issue Summons - Joseph McPike File Stamp: 07/18/2025
07/21/2025	Subpoena/Summons Filed Clerk to issue Summons - Erin Meyers File Stamp: 07/16/2025

07/22/2025 Appearance Filed

Appearance

For Party: Michaels, Keith

File Stamp: 07/22/2025

07/22/2025 Notice of Automatic Enlargement of Time

Notice of Initial Automatic Enlargement of Time

File By: Michaels, Keith

File Stamped: 07/22/2025

07/22/2025 Appearance Filed

Appearance

For Party: Sheridan, Carol

File Stamp: 07/22/2025

07/22/2025 Motion for Enlargement of Time Filed

Motion for Extension of Time

Filed By: Sheridan, Carol

File Stamp: 07/22/2025

07/23/2025 Order Granting

MOTION FOR EXTENSION OF TIME

Order Signed: 07/23/2025

07/24/2025 Automated Paper Notice Issued to Parties

Order Granting ---- 7/23/2025 : Office of the Attorney General;Melissa Gustafson;Paul Bojrab;John Doe

07/24/2025 Automated ENotice Issued to Parties

Order Granting ---- 7/23/2025 : Edna M Koch;Erin E Meyers;Joseph McPike;Kevin M Cardwell;Nicholas W. Levi;Rafael Patrick McLaughlin

07/25/2025 Appearance Filed

E-FILING APPEARANCE BY ATTORNEYS IN A CIVIL CASE

For Party: Office of the Attorney General

For Party: Gustafson, Melissa

File Stamp: 07/24/2025

07/25/2025 Notice of Automatic Enlargement of Time

Notice of Automatic Enlargement of Time

File By: Office of the Attorney General

File By: Gustafson, Melissa

File Stamped: 07/24/2025

08/01/2025 Appearance Filed

Appearance of M O'Neill

For Party: Bojrab, Paul

File Stamp: 07/31/2025

08/01/2025 Motion for Enlargement of Time Filed

Motion for Enlargement of Time

Filed By: Bojrab, Paul

File Stamp: 07/31/2025

7a

08/01/2025 Administrative Event

Court reviews plaintiff's motion to compel discovery of a zoom video in another cause of action. court denies said request. the proper request for that information would be to request production directly from that court as part of an official transcript request by a litigant in that case.

08/01/2025 Order Granting Motion for Enlargement of Time

Judicial Officer: Pate, Hans S.
Order Signed: 08/01/2025

08/01/2025 Appearance Filed

E-FILING APPEARANCE BY ATTORNEYS IN A CIVIL CASE

For Party: Office of the Attorney General
For Party: Gustafson, Melissa
File Stamp: 08/01/2025

08/02/2025 Automated Paper Notice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 8/1/2025 : John Doe

08/02/2025 Automated ENotice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 8/1/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin;Thomas Stewart Pratt

08/05/2025 Motion for Default Judgment Filed

Filed By: Cardwell, Kevin M
File Stamp: 08/05/2025

08/05/2025 Motion to Reconsider

Order Granting Defendant Bojrab Motion for Enlargement of Time

Filed By: Cardwell, Kevin M
File Stamp: 08/05/2025

08/06/2025 Hearing Scheduling Activity

Hearing on Motion for 41(E) Dismissal scheduled for 10/28/2025 at 9:00 AM was cancelled. Reason: Other.

08/06/2025 Hearing Scheduling Activity

Hearing on Motion to Dismiss scheduled for 10/08/2025 at 11:00 AM.

08/06/2025 Notice Issued to Parties

Court sets this matter for Hearing on Defendant's Motion to Dismiss on October 8, 2025 at 11:00 a.m. Parties may appear by zoom. If any party wishes to appear by Zoom they must contact the court within 48 hours of the hearing to request Zoom information.

08/06/2025 Notice of Hearing Issued

Date Signed: 08/06/2025

08/07/2025 Automated Paper Notice Issued to Parties

Hearing Scheduling Activity ---- 8/6/2025 : John Doe Hearing Scheduling Activity ---- 8/6/2025 : John Doe Notice Issued to Parties ---- 8/6/2025 : John Doe

08/07/2025 Automated ENotice Issued to Parties

Hearing Scheduling Activity ---- 8/6/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin;Thomas Stewart Pratt Hearing Scheduling Activity ---- 8/6/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin;Thomas Stewart Pratt Notice Issued to Parties ---- 8/6/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin;Thomas Stewart Pratt

08/07/2025 Motion Filed

Defendant Keith Michaels' Objection to Plaintiff's Motion for Leave to Amend Complaint and Motion to Dismiss

Filed By: Michaels, Keith

File Stamp: 08/06/2025

08/07/2025 Motion to Withdraw Appearance Filed

Motion To Withdraw Appearance

Filed By: Office of the Attorney General

Filed By: Gustafson, Melissa

File Stamp: 08/07/2025

08/07/2025 Order Granting Motion to Withdraw Appearance

Judicial Officer: Pate, Hans S.

Order Signed: 08/07/2025

08/08/2025 Automated Paper Notice Issued to Parties

Order Granting Motion to Withdraw Appearance ---- 8/7/2025 : John Doe

08/08/2025 Automated ENotice Issued to Parties

Order Granting Motion to Withdraw Appearance ---- 8/7/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

08/08/2025 Order Denying

Plaintiff's Motion to Reconsider and Motion for Default Judgment

Judicial Officer: Pate, Hans S.

Order Signed: 08/08/2025

08/09/2025 Automated Paper Notice Issued to Parties

Order Denying ---- 8/8/2025 : John Doe

08/09/2025 Automated ENotice Issued to Parties

Order Denying ---- 8/8/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

08/12/2025 Motion Filed

Defendant Carol Sheridan, M.D.'s Joinder of Co-Defendant Keith Michael's Objection to Plaintiff's Motion for Leave to Amend Complaint and Motion to Dismiss

Filed By: Sheridan, Carol

File Stamp: 08/11/2025

08/12/2025 Notice Issued to Parties

Defendant, Keith Michaels' objection for leave to amend Complaint and Motion to Dismiss will be heard with all of the other pending matters on 10/08/2025 at 11:00 a.m., and any parties and their attorneys may appear via video zoom by prior request and coordination with the court's staff.

08/12/2025 Certificate of Service - separately filed

Defendant Carol B. Sheridan, M.D.'s Amended Certificate of Service

Filed By: Sheridan, Carol

File Stamp: 08/12/2025

08/13/2025 Automated Paper Notice Issued to Parties

Notice Issued to Parties ---- 8/12/2025 : John Doe

08/13/2025 Automated ENotice Issued to Parties

Notice Issued to Parties ---- 8/12/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

08/14/2025 Motion Filed

Plaintiff's Motion to Certify Order for Interlocutory Appeal

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Motion to Reconsider

and Vacate Order(s) Granting Enlargement of Time

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Motion for Default Judgment Filed

Against Defendant Keith Michaels

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Motion for Default Judgment Filed

Against Defendant Dr. Carol B Sheridan

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Motion for Default Judgment Filed

Against Attorney General and Deputy Attorney General

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Motion Filed

Plaintiff's Motion for Leave to Proceed Forma Pauperis on Interlocutory Appeal

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/14/2025 Response Filed

Plaintiff's Response to Defendant Michaels' Mischaracterization of the Amended Complaint with Exhibits

Filed By: Cardwell, Kevin M

File Stamp: 08/13/2025

08/15/2025 Notice Issued to Parties

Plaintiff's motions for Default judgment against multiple different defendants are denied. Plaintiff's motion for leave to file an interlocutory appeal is denied. Defendant, Carol Sheridan's motion for joinder in co-defendant's motion for enlargement of time and motion to dismiss is set for hearing with all other pending matters that haven't been ruled on to date.

08/15/2025 Notice Issued to Parties

Plaintiff's motion to reconsider court's denial of plaintiff's motion for default judgment is denied.

08/16/2025 Automated Paper Notice Issued to Parties

Notice Issued to Parties ---- 8/15/2025 : John Doe Notice Issued to Parties ---- 8/15/2025 : John Doe

08/16/2025 Automated ENotice Issued to Parties

Notice Issued to Parties ---- 8/15/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Notice Issued to Parties ---- 8/15/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

08/21/2025 Response to a Petition Filed

Plaintiff's Supplemental Response in Opposition to Defendants Motion to Dismiss

File Stamp: 08/20/2025

08/21/2025 Motion Filed

Plaintiff's Motion for Discovery

Filed By: Cardwell, Kevin M

File Stamp: 08/20/2025

08/21/2025 Motion to Reconsider

Plaintiff's Motion to Reconsider Default and Entry of Default

Filed By: Cardwell, Kevin M

File Stamp: 08/20/2025

08/21/2025 Motion for Default Judgment Filed

Plaintiffs Motion for Default Judgement on Attorney Defendants

Filed By: Cardwell, Kevin M

File Stamp: 08/20/2025

08/22/2025 Notice Issued to Parties

Court reviews Plaintiff's Motion for Default and 2nd Motion to Reconsider Denial of his Motions for Default Judgments against multiple defendants and the court DENIES both motions. Court notes Plaintiff's Response/Objection/Opposition to Defendants' Motions to Dismiss and will handle that matter at the hearing. Court further notes that Plaintiff's attendance at the hearing on the Motion to Dismiss is required to be in person and NOT by video zoom.

08/23/2025 Automated Paper Notice Issued to Parties

Notice Issued to Parties ---- 8/22/2025 : John Doe

08/23/2025 Automated ENotice Issued to Parties

Notice Issued to Parties ---- 8/22/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

08/25/2025 Motion to Dismiss Filed

State Defendants' Motion to Dismiss

Filed By: Office of the Attorney General

Filed By: Gustafson, Melissa

Filed By: Doe, John

File Stamp: 08/25/2025

08/25/2025 Memorandum/Brief Filed

State Defendants' Brief in Support of Their Motion to Dismiss

Filed By: Office of the Attorney General
Filed By: Gustafson, Melissa
Filed By: Doe, John
File Stamp: 08/25/2025

08/29/2025 Motion to Appear Remotely/Telephonically

Filed By: Cardwell, Kevin M
File Stamped: 08/29/2025

08/29/2025 Motion Filed

Motion to Recuse for Appearance Bias

Filed By: Cardwell, Kevin M
File Stamp: 08/29/2025

08/29/2025 Motion to Reconsider

Motion for Reconsideration for Default Against Attorneys

Filed By: Cardwell, Kevin M
File Stamp: 08/29/2025

08/29/2025 Motion Filed

Joinder of Co-Defendant's Objection to Plaintiff's Motion for Leave to Amend Complaint and Motion to Dismiss

Filed By: Bojrab, Paul
File Stamp: 08/29/2025

09/05/2025 Motion to Strike Filed

Plaintiff's Motion to Strike Defendant's Untimely Responses to Plaintiff's Amended Complaint and Renewed Request for Default

File Stamp: 09/04/2025

09/05/2025 Memorandum/Brief Filed

Memorandum of Law in Support of Plaintiff's Response in Opposition to Defendant's Rule 12(b) Motion to Dismiss

File Stamp: 09/04/2025

09/05/2025 Response Filed

Plaintiff's Response in Opposition to Attorney General & Defendant's Rule 12(b) Motion to Dismiss

File Stamp: 09/04/2025

09/10/2025 Motion to Appear Remotely/Telephonically

Filed By: Cardwell, Kevin M
File Stamped: 09/10/2025

09/16/2025 Objection Filed

Defendant McLaughlin's Opposition to Plaintiff's Motion to Reconsider

Filed By: McLaughlin, Rafael Patrick
File Stamp: 09/15/2025

09/18/2025 Motion to Reconsider

Plaintiff's Motion for Reconsideration of Denial of Default Judgment

Filed By: Cardwell, Kevin M
File Stamp: 09/17/2025

12a

09/18/2025 Motion Filed

Plaintiff's Motion to Show Cause for Default Judgment and Damages

Filed By: Cardwell, Kevin M

File Stamp: 09/18/2025

09/23/2025 Order Issued

Order on Motion to Appear Remotely

Judicial Officer: Pate, Hans S.

Order Signed: 09/16/2025

09/23/2025 Order Issued

on Plaintiff's Motion to Recuse as Judge

Judicial Officer: Pate, Hans S.

Order Signed: 09/16/2025

09/23/2025 Notice Issued to Parties

All outstanding Motions that have been filed and not ruled on by the Court will be included/heard during the remote hearing on October 8 at 11:00 a.m.

09/24/2025 Automated Paper Notice Issued to Parties

Order Issued ---- 9/23/2025 : John Doe Order Issued ---- 9/23/2025 : John Doe Notice Issued to Parties ---- 9/23/2025 : John Doe

09/24/2025 Automated ENotice Issued to Parties

Order Issued ---- 9/23/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Order Issued ---- 9/23/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Notice Issued to Parties ---- 9/23/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

09/24/2025 Motion Filed

Plaintiffs Motion to Enlarge Time Pending Ruling on Recusal and Motion to Appear Remotely

Filed By: Cardwell, Kevin M

File Stamp: 09/23/2025

09/24/2025 Motion Filed

Supplemental Motion Requesting Ruling on Recusal

Filed By: Cardwell, Kevin M

File Stamp: 09/24/2025

09/24/2025 Notice Issued to Parties

Plaintiff files Motion to Enlarge Time Pending Ruling on Recusal and Motion to Appear Remotely and Supplemental Motion Requesting Ruling on Recusal. Court takes NO ACTION as this matter has been previously ruled on and Ordered by the Court.

09/25/2025 Automated Paper Notice Issued to Parties

Notice Issued to Parties ---- 9/24/2025 : John Doe

09/25/2025 Automated ENotice Issued to Parties

Notice Issued to Parties ---- 9/24/2025 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

10/03/2025 Motion Filed

Plaintiff's Memorandum of Law in Support of Reconsideration of Defaults and Recusal

Filed By: Cardwell, Kevin M

File Stamp: 10/03/2025

10/08/2025 Hearing on Motion to Dismiss

Session:

10/08/2025 11:00 AM, Judicial Officer: Pate, Hans S.

Comment: and all Pending Matters - ZOOM

Result: Commenced and concluded

10/08/2025 Appearance Filed

Appearance

For Party: Michaels, Keith

File Stamp: 10/07/2025

10/08/2025 Motion to Withdraw Appearance Filed

Defendant's Motion to Withdraw Appearance (Jacob P. Zurschmiede)

Filed By: Office of the Attorney General

Filed By: Gustafson, Melissa

Filed By: Doe, John

File Stamp: 10/08/2025

10/08/2025 Order Granting Motion to Withdraw Appearance

Judicial Officer: Pate, Hans S.

Order Signed: 10/08/2025

10/08/2025 Objection Filed

Defendant McLaughlin's Motion to Join

Filed By: McLaughlin, Rafael Patrick

File Stamp: 10/08/2025

10/08/2025 Hearing Journal Entry

Plaintiff appears by video Zoom, and pro se. Defendants appear by counsel, in person and by video zoom. Hearing held and arguments heard on all pending motions. Counsel to tender proposed order.

Judicial Officer: Pate, Hans S.

Present: Cardwell, Kevin M

Present: Office of the Attorney General

Present: McLaughlin, Rafael Patrick

Present: Leveque, Eric James

Present: O'Neill, Michael Edward

Present: Aardema, Allissa Ann

Hearing Date: 10/08/2025

10/09/2025 Automated ENotice Issued to Parties

Order Granting Motion to Withdraw Appearance ---- 10/8/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

10/15/2025	Motion Filed Record to Show Plaintiff Does Not Lie Filed By: Cardwell, Kevin M File Stamp: 10/14/2025
10/17/2025	Order Granting Motion to Dismiss Order Granting Objection to Amended Complaint and Motion to Dismiss Judicial Officer: Pate, Hans S. Order Signed: 10/17/2025
10/17/2025	Order Granting Motion for Injunctive Relief Judicial Officer: Pate, Hans S. Order Signed: 10/08/2025
10/18/2025	Automated ENotice Issued to Parties Order Granting Motion to Dismiss ---- 10/17/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Order Granting Motion for Injunctive Relief ---- 10/17/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin
10/20/2025	Motion to Reconsider Motion for Reconsideration of Default as to Defendants Koch, Meyers, and McPike Filed By: Cardwell, Kevin M File Stamp: 10/17/2025
10/20/2025	Motion to Reconsider Plaintiff's Reconsideration Denial of Default against Bojrab with Declaration and copy of Summons. Filed By: Cardwell, Kevin M File Stamp: 10/17/2025
10/20/2025	Motion To Compel Filed By: Cardwell, Kevin M File Stamp: 10/17/2025
10/21/2025	Motion to Correct Error Filed Filed By: Cardwell, Kevin M File Stamp: 10/21/2025
10/28/2025	CANCELED Hearing on Motion for 41(E) Dismissal Reason: Other Session: 10/28/2025 9:00 AM, Cancelled
10/29/2025	Motion for Rule to Show Cause Filed Filed By: Cardwell, Kevin M File Stamp: 10/28/2025
10/31/2025	Motion Filed Motion to Preserve Zoom Hearing Filed By: Cardwell, Kevin M File Stamp: 10/30/2025

11/05/2025	Response to a Petition Filed Defendant Keith Michaels' Statement in Opposition to Plaintiff's Motion to Correct Error Filed By: Michaels, Keith File Stamp: 11/04/2025
11/06/2025	Response to a Petition Filed Deft, Paul D Bojrab's Joinder of Co-Deft Keith Michaels' Statement in Opposition to Pltfs Motion to Correct Error Filed By: Bojrab, Paul File Stamp: 11/06/2025
11/07/2025	Answer Filed Defendant Carol B. Sheridan, M.D.'s Joinder of Co-Defendant Keith Michael's Statement in Opposition to Plaintiff's Motion to Correct Error Filed By: Sheridan, Carol File Stamp: 11/07/2025
11/10/2025	Motion for Hearing Filed Filed By: Cardwell, Kevin M File Stamp: 11/07/2025
11/10/2025	Response Filed Defendant McLaughlin's Motion to Join Filed By: McLaughlin, Rafael Patrick File Stamp: 11/10/2025
11/14/2025	Response Filed State Defendant's Joinder of Keith Michael's Opposition to Motion to Correct Error Filed By: Office of the Attorney General Filed By: Gustafson, Melissa File Stamp: 11/14/2025
11/17/2025	Motion Filed Plaintiff's Motion for Acknowledgment of Default Filings Filed By: Cardwell, Kevin M File Stamp: 11/17/2025
11/17/2025	Response Filed Plaintiff's Response to Defendant Keith Michaels Opposition to Motion to Correct Errors Filed By: Cardwell, Kevin M File Stamp: 11/17/2025
11/18/2025	Order Granting Motion to Dismiss Judicial Officer: Pate, Hans S. Order Signed: 11/18/2025
11/18/2025	Order Denying All Motions filed by Plaintiff after the hearing held on October 8, 2025. Judicial Officer: Pate, Hans S. Order Signed: 11/18/2025

11/18/2025 Order Denying Motion to Correct Error

Judicial Officer: Pate, Hans S.
Order Signed: 11/18/2025

11/19/2025 Automated ENotice Issued to Parties

Order Granting Motion to Dismiss ---- 11/18/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Order Denying ---- 11/18/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin Order Denying Motion to Correct Error ---- 11/18/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

11/20/2025 Order Granting

Defendant, Carol Sheridan, M.S.'s Joinder of Co-Defendant Keith Michaels' Statement in Opposition to Plaintiff's Motion to Correct Error

Judicial Officer: Pate, Hans S.
Order Signed: 11/20/2025

11/21/2025 Automated ENotice Issued to Parties

Order Granting ---- 11/20/2025 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

12/03/2025 Motion Filed

Plaintiff's Motion Relief from Order Dismissing Claims Against Dr. Bojrab

Filed By: Cardwell, Kevin M
File Stamp: 12/02/2025

12/03/2025 Motion Filed

Plaintiff's Motion Relief from Order Dismissing Claims Against Koch, McPike, and Meyers.

Filed By: Cardwell, Kevin M
File Stamp: 12/02/2025

12/05/2025 Motion Filed

Plaintiff's Motion to Show Damages Caused by Defendant's Actions

Filed By: Cardwell, Kevin M
File Stamp: 12/05/2025

01/06/2026 Order Denying

Plaintiff's Motion to Show Damages and both Motions for Relief from Order Dismissing Claims

Judicial Officer: Pate, Hans S.
Order Signed: 01/06/2026

01/07/2026 Automated ENotice Issued to Parties

Order Denying ---- 1/6/2026 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

01/08/2026 Motion Filed

Plaintiff's Motion to Bring Pending Matters to the Court's Attention and for Ruling. Court reviews same and notes all pending matters were ruled upon on 1/6/26.

Filed By: Cardwell, Kevin M
File Stamp: 01/06/2026

01/13/2026	Motion Filed Plaintiff's Motion for Findings of Fact and Conclusions of Law Filed By: Cardwell, Kevin M File Stamp: 01/12/2026
02/02/2026	Notice Issued to Parties Court reviews Plaintiff's Motion for Findings of Fact and Conclusions of Law, which is DENIED. Court notes that this case has been decided and disposed.
02/03/2026	Automated ENotice Issued to Parties Notice Issued to Parties ---- 2/2/2026 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Kevin M Cardwell;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin
02/04/2026	Notice of Appeal Received Notice of Appeal received from the Court of Appeals. Clerk notifies parties of record by email. Filed By: Cardwell, Kevin M File Stamp: 01/26/2026
02/10/2026	Motion Filed Motion to Proceed in Forma Pauperis on Appeal Filed By: Cardwell, Kevin M File Stamp: 02/10/2026
02/10/2026	Praeipce for Transcript Filed File Stamp: 02/10/2026
02/20/2026	Notice of Completion of Clerk's Record Notice of Completion of Clerk's Record e-filed with the Court of Appeals envelope # 38219112. Clerk notifies parties of record by email and by first class mail.
02/26/2026	Order Issued Court reviews plaintiff, Kevin Cardwell's recent pro se filings; including a motion to proceed as an indigent litigant, motion to correct errors in the court's prior rulings, etc. the cour denies plaintiff's motion to correct errors. the court grants plaintiff's motion to proceed with a civil appeal as an indigent litigant. Judicial Officer: Pate, Hans S. Order Signed: 02/26/2026
02/27/2026	Automated Paper Notice Issued to Parties Order Issued ---- 2/26/2026 : Kevin M Cardwell
02/27/2026	Automated ENotice Issued to Parties Order Issued ---- 2/26/2026 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin
03/13/2026	Notice of Transcript Filed Notice of Transcript filed. Filed By: Cardwell, Kevin M Date 2: 03/13/2026

03/16/2026 Notice of Transcript Filed

Amended Volume 2 - added line numbers

Filed By: Cardwell, Kevin M
Date 2: 03/13/2026

03/16/2026 Notice of Completion of Transcript Filed

Clerk E-files with COA envelope #38568434, Clerk sends notice to Pro Se reg. mail,

03/16/2026 Notice Issued to Parties

notice of completion of transcript for attorneys of record

Sent To: Levi, Nicholas W.
Sent To: Koch, Edna M
Sent To: Leveque, Eric James
Sent To: O'Neill, Michael Edward

03/17/2026 Automated Paper Notice Issued to Parties

Notice Issued to Parties ---- 3/16/2026 : Kevin M Cardwell

03/17/2026 Automated ENotice Issued to Parties

Notice Issued to Parties ---- 3/16/2026 : Allissa Ann Aardema;Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Michael Edward O'Neill;Nicholas W. Levi;Rafael Patrick McLaughlin

03/19/2026 Appearance Filed

Appearance

For Party: Michaels, Keith
File Stamp: 03/18/2026

03/19/2026 Motion to Substitute Party

Motion for Substitution of Counsel and Withdrawal of Appearance

Filed By: Michaels, Keith
File Stamped: 03/18/2026

03/19/2026 Order Granting Motion to Substitute Party

and Withdrawal of Appearance

Judicial Officer: Pate, Hans S.
Order Signed: 03/19/2026

03/20/2026 Automated Paper Notice Issued to Parties

Order Granting Motion to Substitute Party ---- 3/19/2026 : Kevin M Cardwell

03/20/2026 Automated ENotice Issued to Parties

Order Granting Motion to Substitute Party ---- 3/19/2026 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;J Todd Spurgeon

04/17/2026 Motion to Withdraw Appearance Filed

MOTION TO WITHDRAW APPEARANCE

Filed By: Office of the Attorney General
Filed By: Gustafson, Melissa
File Stamp: 04/17/2026

04/17/2026 Appearance Filed

E-FILING APPEARANCE BY ATTORNEYS IN A CIVIL CASE

For Party: Office of the Attorney General

For Party: Gustafson, Melissa

File Stamp: 04/17/2026

04/17/2026 Order Granting Motion to Withdraw Appearance

Judicial Officer: Dahl, Blake N.

Order Signed: 04/17/2026

04/18/2026 Automated Paper Notice Issued to Parties

Order Granting Motion to Withdraw Appearance ---- 4/17/2026 : Kevin M Cardwell

04/18/2026 Automated ENotice Issued to Parties

Order Granting Motion to Withdraw Appearance ---- 4/17/2026 : Edna M Koch;Erin E Meyers;Eric James

Leveque;Joseph McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;Serena Elisa Alway;J Todd Spurgeon

05/04/2026 Order Received from the Court of Appeals

Clerk notifies parties of record by email

Order Signed: 05/01/2026

05/04/2026 Clerk Administrative Event

Clerk sends order to the Appellant by regular mail

05/05/2026 Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals ---- 5/4/2026 : Kevin M Cardwell

05/05/2026 Automated ENotice Issued to Parties

Order Received from the Court of Appeals ---- 5/4/2026 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph

McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;Serena Elisa Alway;J Todd Spurgeon

05/05/2026 Invalid Email: Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals -- 5/4/2026 : Eric James Leveque

05/19/2026 Appellate Court's Request for Transcript

Transcript e-filed with the Court of Appeals envelope # 39521597. Clerk notifies parties of record by email.

File Stamp: 05/19/2026

05/19/2026 Order Received from the Court of Appeals

Appeal is dismissed

Order Signed: 05/19/2026

05/19/2026 Clerk Administrative Event

Order sent to the Petitioner/Appellant by regular mail

05/20/2026 Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals ---- 5/19/2026 : Kevin M Cardwell

05/20/2026 Automated ENotice Issued to Parties

Order Received from the Court of Appeals ---- 5/19/2026 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph

McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;Serena Elisa Alway;J Todd Spurgeon

05/20/2026 Invalid Email: Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals -- 5/19/2026 : Eric James Leveque

06/09/2026 Clerk Administrative Event

Paper Notice for Eric James Leveque Attempted - Not Known 05/30/2026

06/19/2026 Order Received from the Court of Appeals

The appeal remains dismissed. Clerk sends order to Appellant by regular mail.

Order Signed: 06/19/2026

06/20/2026 Automated ENotice Issued to Parties

Order Received from the Court of Appeals ---- 6/19/2026 : Edna M Koch;Erin E Meyers;Eric James Leveque;Joseph McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;Serena Elisa Alway;J Todd Spurgeon

06/20/2026 Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals ---- 6/19/2026 : Kevin M Cardwell

06/20/2026 Invalid Email: Automated Paper Notice Issued to Parties

Order Received from the Court of Appeals -- 6/19/2026 : Eric James Leveque

06/30/2026 Clerk Administrative Event

Paper Notice for Eric James Leveque Return to Sender not at this address 60/25/2026

09/11/2026 Order Received from the Indiana Supreme Court

The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer jurisdiction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition. Being duly advised, the Court DENIES the petition to transfer. All pending motions denied as moot.

Order Signed: 09/10/2026

09/11/2026 Clerk Administrative Event

Order sent to the Appellant by regular mail

09/12/2026 Automated Paper Notice Issued to Parties

Order Received from the Indiana Supreme Court ---- 9/11/2026 : Kevin M Cardwell

09/12/2026 Automated ENotice Issued to Parties

Order Received from the Indiana Supreme Court ---- 9/11/2026 : Edna M Koch;Eric James Leveque;Erin E Meyers;Joseph McPike;Michael Edward O'Neill;Rafael Patrick McLaughlin;Serena Elisa Alway;J Todd Spurgeon

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Cardwell, Kevin M

Plaintiff

Balance Due (as of 09/28/2026)

292.00**Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	292.00	0.00	0.00

Transaction Summary

Date	Description	Amount
04/22/2025	Transaction Assessment	292.00

APPENDIX B

Kevin M Cardwell v. Office of the Attorney General, et al.

Case Number	26A-CT-00274
Court	Court of Appeals
Type	CT - Civil Tort
Filed	01/26/2026
Status	09/10/2026 , Transfer Denied (active)
Reference	Original County Cause Number 34D042504CT1363
Related	Lower Trial Court Case 34D04-2504-CT-001363

Parties to the Case

Appellant Cardwell, Kevin M

Address

5770 N Alton AVE
Indianapolis, IN 46228

Attorney

Pro Se

Appellee Office of the Attorney General

Address

Office of the Attorney General
302 W. Washington Street, IGCS 5th Floor
Indianapolis, IN 46204

Attorney

Theodore Edward Rokita
#1885749, Lead, Retained

Office of the Attorney General
302 West Washington Street
IGCS - Fifth Floor
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317-232-6201(W)

Attorney

Benjamin Myron Lane Jones
#2997653, Retained

302 W Washington
FL 5
Indianapolis, IN 46204
317-234-6685(W)

Appellee Bojrab, Paul

Address

1411 Roosevelt Ave Suite 102
Indianapolis, IN 46201

Attorney

Michael Edward O'Neill
#1615945, Retained

833 W Lincoln HWY
STE 410W
Schererville, IN 46375
219-322-0450(W)

Appellee Doe, John

Address

OAG
302 W Washington kST
Indianapolis, IN 46204

Appellee Gustafson, Melissa

Address

OAG 302 W. Washington ST IGCS 5th FL
Indianapolis, IN 46204

Attorney

Benjamin Myron Lane Jones
#2997653, Retained

302 W Washington
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317-234-6685(W)

Appellee McLaughlin, Rafael Patrick

Address

Reminger CO LPA
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Building 19, Suite 10
Fort Wayne, IN 46802

Attorney

Pro Se
260-755-6210(W)

Appellee Michaels, Keith

Address

Lewis Wagner
1411 roosevelt Ave suite 102
indianapolis, IN 46201

Attorney

Crystal Gates Rowe
#2252453, Lead, Retained

Bonterra Building
3620 Blackiston Blvd
Suite 200
New Albany, IN 47150
812-949-2300(W)

Attorney

J Todd Spurgeon
#2151653, Retained

3620 BLACKISTON BLVD
BONTERRA BUILDING SUITE 200
New Albany, IN 47150
812-949-2300(W)

Appellee Sheridan, Carol

Address

9465 Counslers row Suite 104
Indianapolis, IN 46240

Attorney

Edna M Koch
#541649, Lead, Retained

9465 Counselors Row Ste 104
Indianapolis, IN 46240-0000
317-844-5200(W)

Attorney

Joseph McPike
#1744553, Retained

9465 Counselors Row
Ste 104
Indianapolis, IN 46240
317-844-5200(W)

Attorney

Erin E Meyers
#3281549, Retained

ZIEGLER COHEN & KOCH
9465 Counselors Row
Suite 104
Indianapolis, IN 46240
(317) 844-5200(W)

Chronological Case Summary

02/03/2026 Notice of Appeal Filed

(Form 9-1 not used; appealed order not attached) Certificate of Service-Mailed 01/26/26

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 01/26/2026

02/03/2026 NOA Service to Trial Court

Serve: Trial Clerk 34 - Howard
 Serve: Trial Court Reporter 30 - Hancock
 Serve: Pate, Hans Stuart
 Trial Court: Trial Clerk 34 - Howard
 Sent Date: 02/03/2026

02/03/2026 Filing Fee Not Paid/Rule 40 Compliance Missing

02/03/2026 Notice Regarding Case Creation

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Notice Sent: 02/03/2026

02/03/2026 Document Transmitted

02/03/2026 Document Transmitted

02/03/2026 NOA Service to Trial Court

retransmitted to serve proper court reporter group

Serve: Trial Court Reporter 34 - Howard
 Trial Court: Trial Clerk 34 - Howard
 Sent Date: 02/03/2026

02/03/2026 Document Transmitted

02/20/2026 Notice of Completion of Clerk's Record

Transcript Not Yet Completed Certificate of Service- Electronically Served 02/20/26

File Stamp: 02/20/2026

03/12/2026 Appearance

(Rowe, Spurgeon, Zigenfus) Certificate of Service-Mailed to Kevin Cardwell, all others by e-service on 03/11/26

Attorney: Spurgeon, J Todd
 Attorney: Zigenfus, Jacob William
 Attorney: Rowe, Crystal Gates
 Party: Michaels, Keith
 File Stamp: 03/11/2026

03/12/2026 Received Document

Receive Date: 03/12/26 Appearance for Meyers, McPike, and Koch - service not provided to all parties. Attorney General not provided service.

PostmarkDate: 03/12/2026

03/13/2026 Notice of Defect Issued

Appearance for Koch, McPike and Meyers

Party: Sheridan, Carol
 Serve: Cardwell, Kevin M
 Serve: Bojrab, Paul
 Serve: Doe, John
 Serve: Gustafson, Melissa
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Issue Date: 03/13/2026

03/13/2026 Document Transmitted**03/13/2026 Appearance**

(Edna M. Koch, Joseph D. McPike, and Erin E. Meyers) Certificate of Service- Electronically Served 03/13/26

Attorney: Meyers, Erin E
 Attorney: McPike, Joseph
 Attorney: Koch, Edna M
 Party: Sheridan, Carol
 File Stamp: 03/13/2026

03/13/2026 Notice of Defect Cured

Clerk Comments: Appearance for Koch, McPike, and Meyers

Party: Sheridan, Carol
 Serve: Cardwell, Kevin M
 Serve: Bojrab, Paul
 Serve: Doe, John
 Serve: Gustafson, Melissa
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 File Stamp: 03/13/2026

03/13/2026 Document Transmitted**03/16/2026 Appearance**

(O'Neill) Certificate of Service-Mailed to Kevin Cardwell, all others by e-service on 03/16/26

Attorney: O'Neill, Michael Edward
 Party: Bojrab, Paul
 File Stamp: 03/16/2026

27a

03/16/2026 Notice of Completion of Transcript

Certificate of Service- Electronically Served 03/16/26

File Stamp: 03/16/2026

03/19/2026 Appearance

(McLaughlin) Certificate of Service- Electronically Served 03/19/26

Attorney: McLaughlin, Rafael Patrick

Party: McLaughlin, Rafael Patrick

File Stamp: 03/19/2026

03/24/2026 Received Document

Receive Date: 03/18/2026 Motion to Compel Compliance and Completion of Record on Appeal-Appellant **Filing fee not paid; Notice of Completion of Clerks Record and Notice of Completion of Transcript have been filed**

PostmarkDate: 03/16/2026

03/25/2026 Motion to Dismiss

-Appellate Rule 36(B) Certificate of Service-Mailed to K. Cardwell, Electronic Service to Rokita, Koch, McPike, Meyers, Rowe, Spurgeon, and Zigenfus 03/24/26

Attorney: McLaughlin, Rafael Patrick

Attorney: O'Neill, Michael Edward

Party: Bojrab, Paul

Party: McLaughlin, Rafael Patrick

File Stamp: 03/24/2026

03/26/2026 Motion to Dismiss

Certificate of Service- Electronically Served on Appellees and Served by Mail to Appellant 3/25/2026

Attorney: Zigenfus, Jacob William

Attorney: Rowe, Crystal Gates

Party: Michaels, Keith

File Stamp: 03/25/2026

03/27/2026 Motion to Dismiss

Appellee, Carol Sheridan). Certificate of Service-Mailed to Appellant and Electrically served all others 03/25/26

Attorney: Meyers, Erin E

Attorney: McPike, Joseph

Attorney: Koch, Edna M

Party: Sheridan, Carol

File Stamp: 03/25/2026

04/06/2026 Received Document

Receive Date: 03/25/2026 Motion for Time-Appellant **Filing fee not paid**

PostmarkDate: 03/22/2026

04/08/2026 Notice of Defect Issued

Motion for Time-Appellant

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/08/2026

04/08/2026 Document Transmitted**04/09/2026 Trial Court Authorization to Proceed in Forma Pauperis**

Party: Cardwell, Kevin M

04/09/2026 Filing Fee Paid/Rule 40 Compliance Submitted**04/09/2026 Received Document**

Receive Date: 04/06/26 Appellant's Response to Appellees' Motion to Dismiss - Certificate of service lacks service to counsel who have appeared - Crystal Rowe, J. Todd Spurgeon and Jacob Zigenfus

PostmarkDate: 03/30/2026

04/09/2026 Corrected Entry

Defect on Motion for Time Corrected to reflect Certificate of Service does not state names of all attorneys who have appeared.

04/09/2026 Notice of Defect Issued

Motion for Time- Appellant

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/09/2026

04/09/2026 Document Transmitted

04/09/2026 Notice of Defect Issued

Appellant's Response to Appellees' Motion to Dismiss

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: O'Neill, Michael Edward
 Issue Date: 04/09/2026

04/09/2026 Document Transmitted**04/15/2026 Received Document**

Receive Date: 04/09/2026 Motion to Confirm Jurisdiction and Timeliness of Appeal- Appellant **Does not appear to list all counsel who have appeared by name**

PostmarkDate: 04/06/2026

04/15/2026 Received Document

Receive Date: 04/09/2026 Response to Motion to Dismiss- Appellant **Does not appear to serve all counsel who have appeared by name; Each attorney and party who has appeared must be served by name**

PostmarkDate: 04/06/2026

04/15/2026 Received Document

Receive Date: 04/09/2026 Response to Motion to Dismiss- Appellant **Does not appear to serve all counsel who have appeared by name; Each attorney and party who has appeared must be served by name**

PostmarkDate: 04/06/2026

04/15/2026 Notice of Defect Not Cured Letter Issued

Clerk Comments:Response to Motion to Dismiss- Appellant **Does not appear to serve all counsel who have appeared by name; Each attorney and party who has appeared must be served by name**

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/15/2026

04/15/2026 Document Transmitted

04/15/2026 Notice of Defect Issued

Motion to Confirm Jurisdiction and Timeliness- Appellant

Party: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/15/2026

04/15/2026 Document Transmitted**04/22/2026 Received Document**

Receive Date: 04/17/2026 Brief- Appellant **Lacks Appealed Order; does not list all counsel who have appeared by name**

PostmarkDate: 04/15/2026

04/22/2026 Received Document

Receive Date: 04/17/2026 Appendix- Appellant **Lacks separate volume for table of contents; Lacks verification of accuracy; tendered with transcripts not permitted; does not appear to list all counsel who have appeared by name**

PostmarkDate: 04/15/2026

04/22/2026 Notice of Defect Issued

Brief- Appellant

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/22/2026

04/22/2026 Notice of Defect Issued

Appendix- Appellant

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/22/2026

04/22/2026 Document Transmitted**04/22/2026 Document Transmitted****04/29/2026 Received Document**

Receive Date: 04/20/2026 Motion to File Amended Appellants Brief- Appellant **Service does not list all counsel who have appeared by name; motion appears moot as the brief has not yet been filed and no substantial changes have been made**

PostmarkDate: 04/18/2026

04/29/2026 Received Document

Receive Date: 04/20/2026 Brief- Appellant **Lacks Appealed Order; does not list service to all counsel who have appeared by name(Todd Spurgeon, Jacob Zigenfus, Joseph McPike, Erin Meyers)**

PostmarkDate: 04/18/2026

04/29/2026 Notice of Defect Not Cured Letter Issued

Clerk Comments: Brief- Appellant **Lacks Appealed Order; does not list service to all counsel who have appeared by name(Todd Spurgeon, Jacob Zigenfus, Joseph McPike, Erin Meyers)**

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Issue Date: 04/29/2026

04/29/2026 Document Transmitted

05/01/2026

Order Granting Motion to Dismiss

Having reviewed the matter, the Court finds and orders as follows: 1. The Clerk is directed to file Appellant's three responses to Appellees' motions to dismiss that were received on April 6 and April 9, 2026 as of the date of this order. 2. All three of Appellees' motions to dismiss are granted in part. 3. Because Appellant did not timely file a Notice of Appeal, Appellant has forfeited the right to appeal the following orders issued by the trial court: (1) October 17, 2025 order dismissing Appellant's claims against Defendants Keith Michaels, Dr. Carol B. Sheridan, Dr. Paul D. Bojrab, and Rafael McLaughlin; (2) November 18, 2025 order dismissing Appellant's claims against the State Defendants Attorney General Todd Rokita, Melissa Gustafson, and John Doe; and (3) November 18, 2025 order denying Appellant's Motion to Correct Error. Ind. Appellate Rule 9(A)(5). Consequently, Appellant's appeal of those orders is dismissed with prejudice. 4. The trial court's January 6, 2026 order denying Appellant's Trial Rule 60(B) motions was a final judgment pursuant to Trial Rule 60(C) and Appellate Rule 2(H)(3). Appellant timely filed a Notice of Appeal from that order. Consequently, Appellant's appeal of the trial court's January 6, 2026 order may continue. 5. Within ten (10) days of the date of this order, Appellant is ordered to file a brief and appendix that fully comply with the Rules of Appellate Procedure. 6. Appellant's Brief should only address issues related to the trial court's January 6, 2026 order. 7. Failure by Appellant to comply with this order may result in dismissal of this appeal. 8. The Clerk of the Court is directed to send this order to the parties, the trial court, and the Howard Circuit and Superior Courts Clerk. 9. The Howard Circuit and Superior Courts Clerk is directed to file this order under Cause Number 34D04-2504-CT-1363, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order

Judicial Officer:	Tavitas, Elizabeth F.
Party:	Office of the Attorney General
Party:	Bojrab, Paul
Party:	Doe, John
Party:	Gustafson, Melissa
Party:	McLaughlin, Rafael Patrick
Party:	Michaels, Keith
Party:	Sheridan, Carol
Serve:	Cardwell, Kevin M
Serve:	McLaughlin, Rafael Patrick
Serve:	Trial Clerk 34 - Howard
Serve:	Pate, Hans Stuart
Serve:	Rokita, Theodore Edward
Serve:	Spurgeon, J Todd
Serve:	Zigenfus, Jacob William
Serve:	Rowe, Crystal Gates
Serve:	Meyers, Erin E
Serve:	McPike, Joseph
Serve:	Koch, Edna M
Serve:	O'Neill, Michael Edward
File Stamp:	05/01/2026

05/01/2026 **Document Transmitted**

05/01/2026

Response

to Appellees' Motion to Dismiss Certificate of Service-Mailed 03/31/26

Attorney:	Cardwell, Kevin M
Party:	Cardwell, Kevin M
File Stamp:	05/01/2026

05/07/2026 Response to Motion to Dismiss

Certificate of Service- Mailed 04/05/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 05/01/2026

05/07/2026 Response to Motion to Dismiss

Certificate of Service- Mailed 04/05/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 05/01/2026

05/11/2026 Received Document

Receive Date: 04/29/2026 Responses to Motion to Dismiss- Appellant **Previously addressed by Court Order**

PostmarkDate: 04/24/2026

05/11/2026 Document Filed

Motion to Confirm Jurisdiction and Timeliness of Appeal- Appellant Certificate of Service- Mailed 04/22/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 04/24/2026

05/11/2026 Received Document

Receive Date: 05/04/2026 Brief- Appellant **Lacks appealed Order**

PostmarkDate: 04/29/2026

05/11/2026 Received Document

Receive Date: 05/04/2026 Appendix- Appellant **Lacks separate volume for table of contents; Appendix volume one must contain only the cover page, table of contents, verification of accuracy and certificate of service; volume two and all additional volumes are to contain cover page followed by all documents listed in table of contents from volume one**

PostmarkDate: 04/29/2026

05/11/2026 Motion to Amend Brief

Certificate of Service-Mailed 04/27/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 04/29/2026

05/11/2026 Motion to Amend

Appendix- Appellant Certificate of Service- Mailed 04/27/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 04/29/2026

05/11/2026 Document Not Corrected Pursuant to Notice of Defect Issued

Clerk Comments:Appendix- Appellant **Lacks separate volume for table of contents; Appendix volume one must contain only the cover page, table of contents, verification of accuracy and certificate of service; volume two and all additional volumes are to contain cover page followed by all documents listed in table of contents from volume one**

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Date Sent: 05/11/2026

05/11/2026 Document Not Corrected Pursuant to Notice of Defect Issued

Clerk Comments:Brief- Appellant **Lacks appealed Order**

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Date Sent: 05/11/2026

05/11/2026 Document Transmitted**05/11/2026 Document Transmitted****05/18/2026 Document Not Corrected Pursuant to Notice of Defect Issued**

Clerk Comments: Motion to Confirm Jurisdiction and Timeliness- Appellant

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Date Sent: 05/18/2026

05/18/2026 Document Transmitted

05/19/2026

Order Dismissing Appeal with Prejudice

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Motion to Confirm Jurisdiction and Timeliness of Appeal, Motion for Leave to File Corrected Appendix, and Motion for Leave to File Amended Appellant's Brief are all denied. 2. Because Appellant has not complied with the Court's May 1, 2026 order, and has not filed an Appellant's Brief, this appeal is dismissed with prejudice pursuant to Indiana Appellate Rule 45(D). 3. The Clerk of the Court is directed to send this order to the parties, the trial court, and the Howard Circuit and Superior Courts Clerk. 4. The Howard Circuit and Superior Courts Clerk is directed to file this order under Cause Number 34D04-2504-CT-1363, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Judicial Officer: Tavitas, Elizabeth F.
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Trial Clerk 34 - Howard
 Serve: Pate, Hans Stuart
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 File Stamp: 05/19/2026

05/19/2026

Trial Court Clerk Notified to Transmit Transcript

Serve: Trial Clerk 34 - Howard
 Trial Clerk: Trial Clerk 34 - Howard
 Date Sent: 05/19/2026

05/19/2026

Document Transmitted

05/19/2026

Document Transmitted

05/19/2026

Received Document

Receive Date: 05/12/2026 Brief-Appellant **Lacks Appealed Order; Appears Untimely**

PostmarkDate: 05/19/2026

05/20/2026

Corrected Entry

Postmark date on Brief should indicate 05/12/2026 and Receive date should indicate 05/14/2026

05/20/2026

Received Document

Receive Date: 05/14/2026 Brief- Appellant **Untimely; lacks appealed order; Table of Authorities lacks corresponding page numbers**

PostmarkDate: 05/12/2026

05/20/2026

Received Document

Receive Date: 05/14/2026 Appendix- Appellant **Untimely; Incorrectly formatted and Incorrectly paginated; Only volume one is to contain a table of contents**

PostmarkDate: 05/12/2026

05/20/2026 Notice

of Compliance- Appellant Certificate of Service- Mailed 04/11/2026(as stated)

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 05/12/2026

05/20/2026 Electronic Documents Received from Trial Court Clerk

Volumes of Transcripts - Two (2) Volumes of T/C - One (1) Received Electronically 5/19/2026

Postmark: 05/19/2026

05/26/2026 Motion for Permission to File a Belated Brief/Petition

Certificate of Service-Mailed 05/15/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 05/15/2026

05/28/2026 Motion for Permission to File a Belated Brief/Petition

Certificate of Service-Mailed 05/12/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 05/13/2026

05/28/2026 Received Document

Receive Date: 05/20/2026 Brief and Appendix- Appellant **Untimely; Brief lacks appealed order; Appendix is incorrectly paginated**

PostmarkDate: 05/13/2026

06/05/2026 Order Issued

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Notice of Compliance and a Motion for Leave to File Corrected Appellant's Brief and Appendices are both denied. 2. This appeal remains dismissed. DeBoer, Scheele, JJ., Najam, Sr. J. concur.

Judicial Officer: Tavitias, Elizabeth F.
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 File Stamp: 06/05/2026

06/05/2026 Document Transmitted**06/08/2026 Received Document**

Receive Date: 06/01/2026 Petition for Rehearing-Appellant **Lacks table of contents and authorities; tendered with attachments not permitted; Certificate of service states incorrect name of document served; Lacks page numbers**

PostmarkDate: 05/28/2026

06/18/2026 Received Document

Receive Date: 06/12/26 Appellant's Petition for Rehearing - Table of Contents and Table of Authorities are missing page number references as to where sections/citations may be found in petition. Petition lacks page numbers.

PostmarkDate: 06/08/2026

06/19/2026 Order Denying Petition for Rehearing

Having reviewed the matter, the Court finds and orders as follows: 1. The Clerk is directed to file Appellant's (second) Petition for Rehearing as of the date of this order. 2. Appellant's Petition for Rehearing is denied. 3. This appeal remains dismissed.

Judicial Officer: Tavitias, Elizabeth F.
 Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Trial Clerk 34 - Howard
 Serve: Pate, Hans Stuart
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Filing Date: 06/19/2026

06/19/2026 Document Transmitted**06/19/2026 Petition for Rehearing**

Certificate of Service-Mailed 06/08/26

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 06/19/2026

07/06/2026 Received Document

Receive Date: 06/26/2026 Petition for Rehearing- Appellant **Previously filed and addressed by order issued 06/19/2026**

PostmarkDate: 06/18/2026

07/06/2026 Motion to Withdraw Appearance

of Jacob Zigenfus. Certificate of Service-Mailed to Appellant and Electronically served all other parties 07/02/26

Attorney: Zigenfus, Jacob William
 Party: Michaels, Keith
 File Stamp: 07/02/2026

07/07/2026 Petition to Transfer

Certificate of Service- Mailed 06/22/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 06/22/2026

07/08/2026 Order Granting Motion to Withdraw Appearance

Having reviewed the matter, the Court finds and orders as follows: 1. The Motion to Withdraw Attorney Appearance is granted. 2. The Clerk is directed to remove Jacob W. Zigenfus from the docket as counsel of record for Appellee Keith Michaels. 3. The Clerk is directed to send this order to the parties and former counsel of record.

Judicial Officer: Tavitas, Elizabeth F.
 Attorney: Zigenfus, Jacob William
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Zigenfus, Jacob William
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 File Stamp: 07/08/2026

07/08/2026 Document Transmitted**07/14/2026 Brief - Response to Transfer**

Certificate of Service-Mailed to Appellant; Electronic Service to AG 07/13/26

Attorney: McLaughlin, Rafael Patrick
 Attorney: Spurgeon, J Todd
 Attorney: Rowe, Crystal Gates
 Attorney: Meyers, Erin E
 Attorney: McPike, Joseph
 Attorney: Koch, Edna M
 Attorney: O'Neill, Michael Edward
 Party: Bojrab, Paul
 Party: McLaughlin, Rafael Patrick
 Party: Michaels, Keith
 Party: Sheridan, Carol
 File Stamp: 07/13/2026

07/16/2026 Received Document

Receive Date: 07/15/26 DAG Appearance Benjamin Jones - certificate lacks service to a party. All parties who have appeared must be served.

PostmarkDate: 07/15/2026

07/16/2026 Received Document

Receive Date: 07/15/26 Appellee's Notice Regarding Transfer - appearance defective and certificate on notice lacks service to a party. All parties who have appeared must be served.

PostmarkDate: 07/15/2026

07/16/2026 Notice of Defect Issued

Appellee's Notice Regarding Transfer

Party: Office of the Attorney General
 Party: Gustafson, Melissa
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 Issue Date: 07/16/2026

07/16/2026 Notice of Defect Issued

Deputy Attorney General Appearance

Party: Office of the Attorney General
 Party: Gustafson, Melissa
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 Issue Date: 07/16/2026

07/16/2026 Document Transmitted**07/16/2026 Document Transmitted****07/16/2026 Appearance by Deputy AG**

Certificate of Service-Mailed to Cardwell, McLaughlin; Electronically Served to O'Neill, row, Koch, McPike, Meyers
 07/16/26

DAG: Jones, Benjamin Myron Lane
 Party: Office of the Attorney General
 Party: Gustafson, Melissa
 File Stamp: 07/16/2026

07/16/2026 Notice Regarding Transfer

Certificate of Service-Mailed to Cardwell, McLaughlin; Electronically Served to O'Neill, Rowe, Spurgeon, Koch, McPike, Meyers 07/16/26

Attorney: Jones, Benjamin Myron Lane
 Party: Office of the Attorney General
 Party: Gustafson, Melissa
 File Stamp: 07/16/2026

07/16/2026 Notice of Defect Cured

Clerk Comments: AG Appearance

Party: Office of the Attorney General
 Party: Gustafson, Melissa
 Serve: Jones, Benjamin Myron Lane
 File Stamp: 07/16/2026

07/16/2026 Corrected Entry

Correcting entry for Notice of Defect Cured to include service to all parties.

07/16/2026 Notice of Defect Cured

Clerk Comments: Appearance AG

Party: Office of the Attorney General
 Party: Gustafson, Melissa
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 File Stamp: 07/16/2026

07/16/2026 Notice of Defect Cured

Clerk Comments: Appellee AG Notice Regarding Transfer

Party: Office of the Attorney General
 Party: Gustafson, Melissa
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 File Stamp: 07/16/2026

07/17/2026 Document Transmitted**07/17/2026 Document Transmitted****07/28/2026 Received Document**

Receive Date: 07/21/2026 Motion for Leave to File Reply to Appellee's Joint Motion to Dismiss and Deny Transfer-Appellant **Indicates method of service as Email; Email is not an accepted method of service; It does not appear that a Motion to Dismiss has been filed**

PostmarkDate: 07/16/2026

07/29/2026 Letter Issued

Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Date Sent: 07/29/2026

07/29/2026 Document Transmitted**08/11/2026 Transmitted on Transfer (Supreme Court)****08/13/2026 Document Filed**

Motion for Leave to File Response or Reply to Appellee's Joint Motion to Dismiss and Deny Transfer- Appellant
 Certificate of Service- Mailed 08/02/2026

Attorney: Cardwell, Kevin M
 Party: Cardwell, Kevin M
 File Stamp: 08/02/2026

08/13/2026 Order Denying Motion for Leave

Being duly advised, the Court DENIES Appellant's "Motion for Leave to File Response or Reply to Appellees' Joint Motion to Dismiss and Deny Transfer."

Judicial Officer: Slaughter, Geoffrey
 Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 Serve: Court of Appeals Administrator
 File Stamp: 08/13/2026

08/13/2026 Document Transmitted**08/28/2026 Received Document**

Receive Date: 08/18/2026 Motion to Reconsider- Appellant **Exceeds allotted page count; does not appear to serve all counsel who have appeared by name**

PostmarkDate: 08/19/2026

09/08/2026 Received Document

Receive Date: 08/31/2026 Motion to Reconsider- Appellant **Exceeds allotted page count**

PostmarkDate: 08/28/2026

09/10/2026 Order Denying Petition to Transfer

Appellant's petition to transfer denied. All pending motions denied as moot. All Justices concur.

Judicial Officer: Rush, Loretta H.
 Party: Cardwell, Kevin M
 Serve: Cardwell, Kevin M
 Serve: McLaughlin, Rafael Patrick
 Serve: Trial Clerk 34 - Howard
 Serve: Pate, Hans Stuart
 Serve: Rokita, Theodore Edward
 Serve: Spurgeon, J Todd
 Serve: Rowe, Crystal Gates
 Serve: Meyers, Erin E
 Serve: McPike, Joseph
 Serve: Koch, Edna M
 Serve: O'Neill, Michael Edward
 Serve: Jones, Benjamin Myron Lane
 Serve: Court of Appeals Administrator
 File Stamp: 09/10/2026

09/10/2026 Document Transmitted**09/14/2026 Received Document**

Receive Date: 09/10/26 Appellant's Second Corrected Motion to Reconsider August 13, 2026 Order and to Accept Appellant's Reply Brief. Transfer has been denied. Appeal is at an end.

PostmarkDate: 09/08/2026

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Cardwell, Kevin M

Appellant

Balance Due (as of 09/28/2026)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	0.00	0.00	0.00

Transaction Summary

Date	Description	Amount
04/09/2026	Adjustment	(250.00)
07/07/2026	Adjustment	(125.00)