

***** PUBLIC DOCKET *****

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**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:22-cv-00488-SEB-TAB**

DAVIS v. WEXFORD OF INDIANA, LLC et al
Assigned to: Judge Sarah Evans Barker
Referred to: Magistrate Judge Tim A. Baker
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/11/2022
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**BENFORD DAVIS**

represented by **BENFORD DAVIS**
860681
PENDLETON - CF
PENDLETON CORRECTIONAL
FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064
PRO SE

V.

Defendant**WEXFORD OF INDIANA, LLC**

represented by **Douglass R. Bitner**
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ATTORNEY TO BE NOTICED

Defendant

MICHAEL MITCHEFF
Regional Medical Director

represented by **Douglass R. Bitner**
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ATTORNEY TO BE NOTICED

Rachel D. Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MARTIAL R. KNIESER
MD

represented by **Douglass R. Bitner**
(See above for address)
ATTORNEY TO BE NOTICED

Rachel D. Johnson
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ATTORNEY TO BE NOTICED

Defendant

SHERI WILSON
PA-C

represented by **Douglass R. Bitner**
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ATTORNEY TO BE NOTICED

Rachel D. Johnson
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ATTORNEY TO BE NOTICED

Defendant

JESSICA LOVE
Administrative Assistant

represented by **Douglass R. Bitner**
(See above for address)
ATTORNEY TO BE NOTICED

Rachel D. Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

RACHELLE BRUMFIEL
Officer

represented by **Adam Jeffery Strahan**
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Date Filed	#	Docket Text
03/11/2022	1	CONSENT to Prisoner E-Service by BENFORD DAVIS located at PENDLETON CF. Pursuant to General Order 2013-1, documents submitted by BENFORD DAVIS 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. (DJH) (Entered: 03/11/2022)
03/11/2022	2	COMPLAINT against RACHEAL BRUMSFIELD, LISA HAMBLEN, JOHNATHAN JACKSON, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, and SHERI WILSON, filed by BENFORD DAVIS. (No fee paid with this filing) (Attachments: # 1 Cover Letter)(DJH) (Entered: 03/11/2022)
03/11/2022	3	AFFIDAVIT Of BENFORD DAVIS For Compliance With Screening Of Offender Litigation. (DJH) (Entered: 03/11/2022)
03/11/2022	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 03/11/2022)
03/16/2022	5	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. (JRT) (Entered: 03/16/2022)
03/17/2022	6	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through April 18, 2022, in which to correct the deficiencies as follows: You must either pay the 402.00 filing fee for this action or demonstrate that you lack the financial ability to do so by filing a motion for leave to proceed without the prepayment of the filing fee (<i>in forma pauperis</i>). (Attachments: # 1 Motion For Leave To Proceed In Forma Pauperis) (JRT) (Entered: 03/17/2022)

04/08/2022	7	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Envelope Inmate Trust Account) (CKM) (Entered: 04/11/2022)
04/19/2022	8	ORDER - granting 7 Motion for Leave to Proceed in forma pauperis; The plaintiff's motion to proceed in forma pauperis, dkt. 7 , is granted to the extent that the plaintiff is assessed an initial partial filing fee of Fifty- Three Dollars and Eighty-Six Cents (\$53.86). See 28 U.S.C. § 1915(b)(1). The plaintiff shall have through May 16, 2022, in which to pay this sum to the clerk of the district court. The plaintiff is informed that after the initial partial filing fee is paid, he will be obligated to make monthly payments of 20 percent of the preceding month's income each month that the amount in his account exceeds \$10.00, until the full filing fee of \$350.00 is paid. 28 U.S. C. § 1915(b)(2). After the initial partial filing fee is received, a collection order will be issued to the plaintiff and the plaintiff's custodian, and the Court will screen the complaint in accordance with 28 U.S.C. § 1915A. Signed by Judge Sarah Evans Barker on 4/19/2022. (CKM) (Entered: 04/19/2022)
05/11/2022	9	NOTICE to the Court, filed by Plaintiff BENFORD DAVIS; (CKM) (Entered: 05/11/2022)
05/25/2022	10	RECEIPT #126 for partial filing fee in the amount of \$53.86, paid by BENFORD DAVIS. (DJH) (Entered: 05/25/2022)
05/25/2022	11	FINAL ORDER TO PAY INITIAL PARTIAL FILING FEE - Mr. Davis will have through June 24, 2022, to pay his initial partial filing fee as previously directed. If he does not do so in the time provided, the Court will dismiss the action without further warning or opportunity to show cause. SEE ORDER. Signed by Judge Sarah Evans Barker on 5/25/2022.(JRB) (Entered: 05/25/2022)
05/31/2022	12	EMERGENCY MOTION for Protective Order, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Exhibit, # 2 Text of Proposed Order, # 3 Cover Letter)(DWH) (Entered: 05/31/2022)
06/03/2022	13	ORDER GRANTING IN PART MOTION REGARDING FILING FEE - Benford Davis's motion asking the Court to order the staff at Pendleton Correctional Facility to issue payment for his initial partial filing fee, dkt. [12], is granted insofar as the Court vacates its orders directing Mr. Davis to pay an initial partial filing fee, dkts. 8 and 11 . Although no payment is due at this time, the Court will issue a separate order to facilitate collection of the \$350 filing fee as previously discussed. The Court will screen Mr. Davis's complaint in due course. Signed by Judge Sarah Evans Barker on 6/3/2022. (SWM) (Entered: 06/03/2022)
06/17/2022	14	ORDER Directing Monthly Payments be made from Prison Account of BENFORD DAVIS. Copy to Warden via US Mail. Copy to Finance Department. Signed by Magistrate Judge Tim A. Baker on 6/17/2022.(SWM) (Entered: 06/17/2022)
06/17/2022	15	ENTRY - SCREENING COMPLAINT AND DIRECTING ISSUANCE OF PROCESS; Benford Davis alleges that numerous members of the medical and correctional staffs at Pendleton Correctional Facility (PCF) deprived him of treatment for a hernia. Because Mr. Davis is a prisoner, the Court has an obligation to screen the complaint before service on the defendants. 28 U.S.C. § 1915A(a), (c). The action will proceed with the First and Eighth Amendment claims discussed in Part III. These are the only claims the Court has identified in the complaint. If Mr. Davis believes he asserted additional claims that the Court did not address, he must notify the Court no

		later than July 15, 2022. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to issue process to the defendants in the manner specified by Fed. R. Civ. P. 4(d). Process will consist of the complaint, dkt. 2 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this entry. The clerk is directed to serve Wexford electronically. Wexford is ORDERED to provide the full name and last known home address of any Wexford defendant who does not waive service if it has such information. This information may be provided to the Court informally or may be filed ex parte. Signed by Judge Sarah Evans Barker on 6/17/2022.(CKM) (Entered: 06/21/2022)
06/21/2022	16	NOTICE of Lawsuit & Waiver Issued by Clerk to 1) Wexford of Indiana, LLC, 2) Dr. Michael Mitcheff, 3) Dr. Martial Kneizer, 4) Sheri Wilson, 5) Lisa Hamblen, 6) Jessica Love, 7) Janet Mitchell, 8) Jody Morris, 9) Nurse Smith, 10) Jonathan Jackson, 11) Racheal Brumsfield (CKM) (Entered: 06/21/2022)
06/22/2022	17	Documents to be Sent via Electronic Notice - re 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint Electronic Notice to IDOC and Wexford. (CKM) (Entered: 06/22/2022)
06/22/2022	18	MOTION to Identify Additional Claims, filed by Plaintiff BENFORD DAVIS. (CKM) (Entered: 06/23/2022)
06/28/2022	19	ORDER denying Plaintiff's 18 Motion to Identify Additional Claims. See Order for details. Signed by Judge Sarah Evans Barker on 6/28/2022. (SWM) (Entered: 06/28/2022)
07/06/2022	20	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint sent to MARTIAL KNEIZER. (RETURN TO SENDER REFUSED UNABLE TO FORWARD) (CKM) (Entered: 07/07/2022)
07/06/2022	21	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint sent to MICHAEL MITCHEF. (RETURN TO SENDER REFUSED UNABLE TO FORWARD) (CKM) (Entered: 07/07/2022)
07/06/2022	22	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 17 Documents to be Sent via Electronic Notice, 2 Complaint sent to JANET MITCHELL. (RETURN TO SENDER REFUSED UNABLE TO FORWARD) (CKM) (Entered: 07/07/2022)
07/06/2022	23	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint sent to JODY MORRIS. (Return to Sender Attempted Not Known Unable to Forward) (CKM) (Entered: 07/07/2022)
07/06/2022	24	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint sent to Nurse SMITH. (Return to Sender Attempted Not Known Unable to Forward) (CKM) (Entered: 07/07/2022)
07/06/2022	25	Mail Returned as undeliverable. 16 NOTICE of Lawsuit & Waiver Issued by Clerk, 15 Order, 2 Complaint sent to SHERI WILSON. (RETURN TO SENDER REFUSED UNABLE TO FORWARD) (CKM) (Entered: 07/07/2022)
07/08/2022	26	NOTICE of Appearance by Adam Jeffery Strahan on behalf of Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Strahan, Adam) (Entered: 07/08/2022)

07/08/2022	27	WAIVER OF SERVICE Returned Executed, filed by JOHNATHAN JACKSON, RACHEAL BRUMSFIELD. JOHNATHAN JACKSON waiver sent on 6/21/2022; RACHEAL BRUMSFIELD waiver sent on 6/21/2022. (Strahan, Adam) (Entered: 07/08/2022)
07/11/2022	28	NOTICE to the Court, filed by Plaintiff BENFORD DAVIS (CKM) (Entered: 07/11/2022)
07/18/2022	29	WAIVER OF SERVICE Returned Executed, filed by MICHAEL MITCHEF, JESSICA LOVE, JANET MITCHELL, MARTIAL KNEIZER, SHERI WILSON. MICHAEL MITCHEF waiver sent on 6/17/2022; JESSICA LOVE waiver sent on 6/17/2022; JANET MITCHELL waiver sent on 6/17/2022; MARTIAL KNEIZER waiver sent on 6/17/2022; SHERI WILSON waiver sent on 6/17/2022. (Johnson, Rachel) (Entered: 07/18/2022)
07/18/2022	30	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendants MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, SHERI WILSON. (Johnson, Rachel) (Entered: 07/18/2022)
07/18/2022	31	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendants MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, SHERI WILSON. (Bitner, Douglass) (Entered: 07/18/2022)
07/20/2022	32	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Shouse, Eric) (Entered: 07/20/2022)
07/20/2022	33	WAIVER OF SERVICE Returned Executed, filed by WEXFORD OF INDIANA, LLC. WEXFORD OF INDIANA, LLC waiver sent on 6/21/2022. (Johnson, Rachel) (Entered: 07/20/2022)
07/20/2022	34	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant WEXFORD OF INDIANA, LLC. (Johnson, Rachel) (Entered: 07/20/2022)
07/20/2022	35	Corporate Disclosure Statement by WEXFORD OF INDIANA, LLC identifying Corporate Parent THE BANTRY GROUP CORPORATION for WEXFORD OF INDIANA, LLC.. (Johnson, Rachel) (Entered: 07/20/2022)
07/20/2022	36	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant WEXFORD OF INDIANA, LLC. (Bitner, Douglass) (Entered: 07/20/2022)
07/27/2022	37	WAIVER OF SERVICE Returned Executed, filed by JODY MORRIS. JODY MORRIS waiver sent on 6/17/2022. (Johnson, Rachel) (Entered: 07/27/2022)
07/27/2022	38	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant JODY MORRIS. (Johnson, Rachel) (Entered: 07/27/2022)
07/27/2022	39	WAIVER OF SERVICE Returned Executed, filed by SMITH. SMITH waiver sent on 6/17/2022. (Johnson, Rachel) (Entered: 07/27/2022)
07/27/2022	40	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant SMITH. (Johnson, Rachel) (Entered: 07/27/2022)
07/27/2022	41	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendants JODY MORRIS, SMITH. (Bitner, Douglass) (Entered: 07/27/2022)
07/28/2022	42	WAIVER OF SERVICE Returned Executed, filed by LISA HAMBLLEN. LISA HAMBLLEN waiver sent on 6/17/2022. (Johnson, Rachel) (Entered: 07/28/2022)

07/28/2022	43	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant LISA HAMBLEN. (Johnson, Rachel) (Entered: 07/28/2022)
07/28/2022	44	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant LISA HAMBLEN. (Bitner, Douglass) (Entered: 07/28/2022)
07/28/2022	45	ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by LISA HAMBLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON.(Johnson, Rachel) (Entered: 07/28/2022)
08/10/2022	46	RECEIPT #1261 for partial filing fee in the amount of \$59.72, paid by BENFORD DAVIS. (DJH) (Entered: 08/10/2022)
08/16/2022	47	ANSWER to 2 Complaint <i>Affirmative Defenses and Demand for Jury Trial</i> , filed by RACHEAL BRUMSFIELD, JOHNATHAN JACKSON.(Shouse, Eric) (Entered: 08/16/2022)
08/22/2022	48	MOTION to Confirm Payments and Balance in Case, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Envelope) (CKM) (Entered: 08/23/2022)
08/23/2022	49	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through October 4, 2022, in which to either (see Entry). The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense (see Entry). Signed by Magistrate Judge Tim A. Baker on 8/23/2022.(SWM) (Entered: 08/23/2022)
08/30/2022	50	ORDER - Benford Davis's motion requesting information on his payments toward the filing fee, dkt. [48], is granted consistent with the following: The clerk is directed to include copies of the public docket sheet and the collection order, dkt. 14 , with Mr. Davis's copy of this order. The Court will collect Mr. Davis's filing fee according to the procedure detailed in the collection order. To date, the Court has received \$113.58, leaving a balance of \$236.42. All payments are noted with receipts on the docket. See dkts. 10 and 46. Signed by Magistrate Judge Tim A. Baker on 8/30/2022. (Attachments: # 1 Public Docket Sheet, # 2 Collection Order - Docket Number 14) (SWM) (Entered: 08/30/2022)
09/09/2022	51	RECEIPT #1667 for filing fee in the amount of \$25.46, paid by BENFORD DAVIS. (DRB) (Entered: 09/09/2022)
09/13/2022	52	MOTION of Plaintiff's Designation of Evidence to Show Grievance Exhaustion was Unavailable, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Various Reports IDOC) (CKM) (Entered: 09/14/2022)
09/19/2022	53	ORDER granting 52 Motion to the extent the plaintiff's motion and designated evidence are now part of the record. However, the defendants will continue to have through October 4 to develop the affirmative defense as previously directed. Signed by Magistrate Judge Tim A. Baker on 9/19/2022. (CBU) (Entered: 09/19/2022)
10/04/2022	54	NOTICE of <i>Withdrawal of Exhaustion Defense</i> , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON (Shouse, Eric) (Entered: 10/04/2022)
10/14/2022	55	RECEIPT #2137 for partial filing fee in the amount of \$73.98, paid by BENFORD DAVIS. (DJH) (Entered: 10/14/2022)

10/27/2022	56	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 5/30/2023. Discovery due by 4/27/2023. Signed by Magistrate Judge Tim A. Baker on 10/27/2022.(CBU) (Entered: 10/27/2022)
11/10/2022	57	RECEIPT #2503 for partial filing fee in the amount of \$35.72, paid by BENFORD DAVIS. (DJH) (Entered: 11/10/2022)
12/09/2022	58	RECEIPT #2935 for partial filing fee in the amount of \$55.46, paid by BENFORD DAVIS. (DJH) (Entered: 12/09/2022)
12/19/2022	59	NOTICE of Service of Initial Disclosures (<i>State Defendants</i>), filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Shouse, Eric) (Entered: 12/19/2022)
12/21/2022	60	NOTICE of Service of Initial Disclosures , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Johnson, Rachel) (Entered: 12/21/2022)
12/28/2022	61	NOTICE of Service of Responses to Plaintiff's Request for Production, filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Johnson, Rachel) (Entered: 12/28/2022)
01/02/2023	62	NOTICE of Parties' First Extension of Time re Responding to any written request for discovery or admission, filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Shouse, Eric) (Entered: 01/02/2023)
01/10/2023	63	MOTION to Take Deposition from Benford Davis , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Attachments: # 1 Notice of Deposition, # 2 Text of Proposed Order) (Johnson, Rachel) (Entered: 01/10/2023)
01/12/2023	64	NOTICE of Service of First Supplement to Initial Disclosures, filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Johnson, Rachel) (Entered: 01/12/2023)
01/12/2023	65	RECEIPT #3384 for filing fee in the amount of \$24.72, paid by BENFORD DAVIS. (DRB) (Entered: 01/12/2023)
01/30/2023	66	ORDER granting Defendants' 63 Motion to Take Deposition from BENFORD DAVIS. Signed by Magistrate Judge Tim A. Baker on 1/30/2023. (SWM) (Entered: 01/30/2023)
02/02/2023	67	MOTION to Verify Balance of Filing Fee, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Envelope)(JDC) (Entered: 02/03/2023)

02/09/2023	68	NOTICE of Service of Responses to Plaintiff's First Set of Interrogatories and 2nd Request for Production, filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Johnson, Rachel) (Entered: 02/09/2023)
02/13/2023	69	RECEIPT #3822 for partial filing fee in the amount of \$20.00, paid by BENFORD DAVIS. (DJH) (Entered: 02/13/2023)
02/13/2023	70	RECEIPT #3823 for partial filing fee in the amount of \$23.72, paid by BENFORD DAVIS. (DJH) (Entered: 02/13/2023)
02/15/2023	71	NOTICE of Substitution of Appearance by Sarah Jean Shores-Scisney replacing Rachel D. Johnson on behalf of LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Shores-Scisney, Sarah) (Entered: 02/15/2023)
02/17/2023	72	ORDER - Acknowledges NOTICE OF SUBSTITUTION; Sarah J.Shores-Scisney is hereby substituted for the Appearance of Rachel D. Johnson. Attorney Rachel D. Johnson terminated. Signed by Judge Sarah Evans Barker on 2/17/2023. (marginal notation). Signed by Judge Sarah Evans Barker on 2/17/2022. (CKM) (Entered: 02/17/2023)
02/21/2023	73	ORDER DIRECTING REFUND - Court records indicate that plaintiff has overpaid his filing fee in the amount of \$22.64. See receipt at dkt. 70 . Accordingly, the clerk is directed to issue a refund to plaintiff for that amount. The clerk shall mail a Treasury check for \$22.64 to BENFORD DAVIS at the following address (see Order). Copy to Warden via US Mail. Copy to Finance Department via Email. Signed by Magistrate Judge Tim A. Baker on 2/21/2023.(SWM) (Entered: 02/21/2023)
02/21/2023	74	ORDER VACATING COLLECTION ORDER - Court records indicate that a collection order was issued on June 17, 2022. The full filing fee due in this case has now been paid. Accordingly, the collection order has been satisfied and the plaintiff's custodian shall not send any additional payments to the clerk as a result of the June 17, 2022, collection order. Copy to Warden via US Mail. Copy to Finance Department via Email. Signed by Magistrate Judge Tim A. Baker on 2/21/2023.(SWM) (Entered: 02/21/2023)
02/22/2023	75	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Johnson, Rachel) (Entered: 02/22/2023)
02/23/2023	76	NOTICE of Appearance by William Dean Young on behalf of Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Young, William) (Entered: 02/23/2023)
02/24/2023	77	NOTICE of Service of Expert Disclosures, filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Shores-Scisney, Sarah) (Entered: 02/24/2023)
02/27/2023	78	ORDER - Benford Davis's motion to verify the balance of his filing fee, dkt. 67 , is GRANTED. Mr. Davis has paid his filing fee in full. The Court has VACATED its collection order and directed that Mr. Davis be refunded \$22.64 that were paid in

		excess of the \$350.00 fee. Dkts. 73 . 74 . Signed by Magistrate Judge Tim A. Baker on 2/27/2023.(AKH) (Entered: 02/27/2023)
03/08/2023	79	RECEIPT #4181 for filing fee in the amount of \$31.22, paid by BENFORD DAVIS. (DRB) (Entered: 03/09/2023)
03/13/2023	80	NOTICE regarding Settlement Conference, filed by Plaintiff BENFORD DAVIS (JDC) (Entered: 03/14/2023)
03/15/2023	81	ORDER DIRECTING REFUND - Benford Davis, an inmate at Pendleton Correctional Facility, initiated this action on March 11, 2022, by filing a complaint. Dkt. 2. On April 19, 2022, the Court granted his motion to proceed in forma pauperis. Dkt. 8. Although plaintiff was excused from pre-paying the full filing fee, he remained obligated for the entire \$350.00 filing fee. Id. Court records indicate that plaintiff has overpaid his filing fee in the amount of \$31.22. See receipt at dkt. 79 . Accordingly, the clerk is directed to issue a refund to plaintiff for that amount. The clerk shall mail a Treasury check for \$31.22 to Benford Davis at the following address (see Order). Copy to Warden via US Mail. Copy to Finance Department via Email. Signed by Magistrate Judge Tim A. Baker on 3/15/2023.(SWM) (Entered: 03/15/2023)
03/20/2023	82	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON (Shouse, Eric) (Entered: 03/20/2023)
03/24/2023	83	NOTICE regarding Settlement Conference filed by Plaintiff BENFORD DAVIS (JDC) (Entered: 03/24/2023)
03/27/2023	84	NOTICE <i>Regarding Settlement Conference</i> , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON (Shores-Scisney, Sarah) (Entered: 03/27/2023)
05/30/2023	85	MOTION for Summary Judgment , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Young, William) (Entered: 05/30/2023)
05/30/2023	86	Designation of Evidence re 85 MOTION for Summary Judgment , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Attachments: # 1 Exhibit A - Affidavit of Johnathan Jackson, # 2 Exhibit B - February 24, 2021, Grievance, # 3 Exhibit C - Deposition of Plaintiff, # 4 Exhibit D - February 17, 2021, Grievance, # 5 Exhibit E - Affidavit of Rachelle Brumfiel, # 6 Exhibit F - March 9, 2021, Grievance, # 7 Exhibit G - March 18, 2021, Grievance, # 8 Exhibit H - March 22, 2021, Conduct Report, # 9 Exhibit I - April 6, 2021, Grievance, # 10 Exhibit J - April 14, 2021, Grievance, # 11 Exhibit K - April 16, 2021, Defendant Brumfiel Email)(Young, William) (Entered: 05/30/2023)
05/30/2023	87	BRIEF/MEMORANDUM in Support re 85 MOTION for Summary Judgment , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Young, William) (Entered: 05/30/2023)
05/30/2023	88	NOTICE <i>Regarding Right to Respond and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON (Young, William) (Entered: 05/30/2023)
05/30/2023	89	MOTION for Extension of Time to June 13, 2023 to <i>Complete and File Dispositive Motions</i> , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Attachments: # 1 Text of

		Proposed Order)(Shores-Scisney, Sarah) (Entered: 05/30/2023)
05/31/2023	90	MOTION for Summary Judgment, filed by Plaintiff BENFORD DAVIS. (JDC) (Entered: 06/01/2023)
05/31/2023	91	BRIEF/MEMORANDUM in Support re 90 MOTION for Summary Judgment, filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Exhibit)(JDC) (Entered: 06/01/2023)
05/31/2023	92	DECLARATION in Support re 90 Motion for Summary Judgment by BENFORD DAVIS. (JDC) (Entered: 06/01/2023)
05/31/2023	93	Statement of Material Facts re 90 MOTION for Summary Judgment, filed by Plaintiff BENFORD DAVIS. (JDC) (Entered: 06/01/2023)
06/13/2023	94	MOTION for Summary Judgment , filed by Defendants LISA HAMBLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Attachments: # 1 Text of Proposed Order)(Shores-Scisney, Sarah) (Entered: 06/13/2023)
06/13/2023	95	BRIEF/MEMORANDUM in Support re 94 MOTION for Summary Judgment , filed by Defendants LISA HAMBLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Shores-Scisney, Sarah) (Entered: 06/13/2023)
06/13/2023	96	Designation of Evidence re 95 Brief/Memorandum in Support of <i>Motion for Summary Judgment</i> , filed by Defendants LISA HAMBLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Attachments: # 1 Exhibit A (Plaintiff's Medical Records), # 2 Exhibit B (Utilization Management Notes), # 3 Exhibit C (Affidavit of Martial Knieser, M.D.), # 4 Exhibit D (Affidavit of Michael Mitcheff, D.O.), # 5 Exhibit E (Affidavit of Sheri Wilson, PA), # 6 Exhibit F (Affidavit of Kathleen Smith, RN), # 7 Exhibit G (Affidavit of Janet Mitchell, LPN), # 8 Exhibit H (Affidavit of Jody Morris, RN), # 9 Exhibit I (Affidavit of Lisa Hamblen, HSA), # 10 Exhibit J (Affidavit of Jessica Love), # 11 Exhibit K (Plaintiffs Deposition Transcript))(Shores-Scisney, Sarah) (Entered: 06/13/2023)
06/13/2023	97	NOTICE REGARDING RIGHT TO RESPOND TO AND SUBMIT EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, filed by Defendants LISA HAMBLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON, re 94 MOTION for Summary Judgment . (Shores-Scisney, Sarah) (Entered: 06/13/2023)
06/13/2023	98	ORDER - The defendants' motion for extension of time, dkt. [89-1], is granted. Dispositive motions filed by June 13, 2023, will be accepted as timely filed. Signed by Magistrate Judge Tim A. Baker on 6/13/2023. (JDC) (Entered: 06/13/2023)
06/21/2023	99	RESPONSE in Opposition re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Exhibits)(LBT) (Entered: 06/22/2023)
06/21/2023	100	DECLARATION in Support of 99 Response in Opposition to Motion re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (LBT) (Entered: 06/22/2023)

06/21/2023	101	Statement of Material Facts in Dispute re 99 Response in Opposition re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (LBT) (Entered: 06/22/2023)
06/28/2023	102	RESPONSE in Opposition re 90 MOTION for Summary Judgment , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Shores-Scisney, Sarah) (Entered: 06/28/2023)
06/28/2023	103	RESPONSE in Opposition re 90 MOTION for Summary Judgment , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Young, William) (Entered: 06/28/2023)
07/05/2023	104	REPLY in Support of Motion re 85 MOTION for Summary Judgment , filed by Defendants RACHEAL BRUMSFIELD, JOHNATHAN JACKSON. (Young, William) (Entered: 07/05/2023)
07/05/2023	105	BRIEF/MEMORANDUM in Support of Response 99 in Opposition to Motion re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (Attachments: # 1 Exhibit)(LF) (Entered: 07/10/2023)
07/05/2023	106	DECLARATION in support of response dkt. 99 to Motion at dkt. 94 by BENFORD DAVIS. (LF) (Entered: 07/10/2023)
07/05/2023	107	Statement of Material Facts in Dispute re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (LF) (Entered: 07/10/2023)
07/05/2023	108	Second Statement of Material Facts in Dispute re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (LF) (Entered: 07/10/2023)
07/10/2023	110	REPLY to 103 Response in Opposition re 90 MOTION for Summary Judgment, filed by Plaintiff BENFORD DAVIS. (TPS) (Entered: 07/21/2023)
07/12/2023	111	Surreply re 94 MOTION for Summary Judgment , filed by Plaintiff BENFORD DAVIS. (DWH) (Entered: 07/21/2023)
07/19/2023	109	REPLY in Support of Motion re 94 MOTION for Summary Judgment , filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Shores-Scisney, Sarah) (Entered: 07/19/2023)
09/12/2023	112	MOTION to Withdraw Attorney Appearance of Sarah J. Shores-Scisney, filed by Defendants LISA HAMBLLEN, MARTIAL KNEIZER, JESSICA LOVE, MICHAEL MITCHEF, JANET MITCHELL, JODY MORRIS, SMITH, WEXFORD OF INDIANA, LLC, SHERI WILSON. (Attachments: # 1 Text of Proposed Order) (Shores-Scisney, Sarah) (Entered: 09/12/2023)
09/13/2023	113	ORDER granting 112 Motion to Withdraw Attorney Appearance. Attorney Sarah Jean Shores-Scisney withdrawn. Signed by Magistrate Judge Tim A. Baker on 9/13/2023. (KAA) (Entered: 09/13/2023)
02/16/2024	114	ORDER DISCUSSING PLAINTIFF'S AND MEDICAL DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT - Mr. Davis's motion for summary judgment, dkt. 90 , is denied as to the medical defendants. The medical defendants' motion, dkt. 94 , is granted as to Nurse Smith, Nurse Morris, Nurse Mitchell, and Ms. Hamblen, and denied as to all other defendants. Claims against Nurse Smith, Nurse Morris, Nurse

		Mitchell, and Ms. Hamblen are dismissed with prejudice. No partial final judgment will issue. The clerk is directed to terminate these defendants from the docket. The clerk is directed to change the spellings of the following defendants' names on the docket. Mr. Davis's claims against the medical defendants who remain will be resolved by settlement or trial. The Court intends to recruit an attorney to represent Mr. Davis through final judgment. The clerk is directed to include a form motion for assistance with recruiting counsel with Mr. Davis's copy of this order. Mr. Davis will complete and return the form no later than March 8, 2024. SEE ORDER. Signed by Judge Sarah Evans Barker on 02/16/2024. (Attachments: # 1 Form Motion for Assistance Recruiting Counsel) (AAS) (Entered: 02/20/2024)
02/26/2024	115	MOTION to Appoint Counsel, filed by Plaintiff BENFORD DAVIS. (SWM) (Entered: 02/28/2024)
03/05/2024	116	ORDER DISCUSSING PLAINTIFF'S AND CORRECTIONAL DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT 85 - Mr. Davis's motion for summary judgment, dkt. 90 , is denied. The state defendants' motion for summary judgment, dkt. 85 , is granted as to claims against Defendant Jonathan Jackson. Claims against Lieutenant Jackson are dismissed with prejudice, and the clerk is directed to terminate him from the docket as a defendant. No partial final judgment will issue. The state defendants' motion, dkt. 85 , is denied as to all claims against Defendant Rachelle Brumfiel. First Amendment claims against Officer Brumfiel will be resolved by settlement or trial. Pursuant to Federal Rule of Civil Procedure 56(f)(2) and (3), Mr. Davis will have through March 29, 2024, to show cause why the Court should not grant Officer Brumfiel summary judgment on Eighth Amendment claims for the reasons discussed in Part V(A) above. The correctional defendants will have through April 12, 2024, to file any response. Neither deadline will be extended. The clerk is directed to change the spelling of Officer Brumfiel's name on the docket from "Rachael Brumsfield" to "Officer Rachelle Brumfiel." See, e.g., dkt. 86-5. SEE ORDER. Signed by Judge Sarah Evans Barker on 3/5/2024. (AAS) (Entered: 03/06/2024)
03/15/2024	117	ORDER - Benford Davis's motion to appoint counsel, dkt. 115 , is granted. After the question of summary judgment on Mr. Davis's Eighth amendment claims against Officer Brumfiel is resolved, see dkt. 116 , the Court will attempt to recruit counsel to represent Mr. Davis through final judgment. Mr. Davis continues to have through March 29, 2024, to respond to the Court's show-cause order. The Court requests that Magistrate Judge Baker set a telephonic status conference after recruited counsel has appeared to facilitate preparations for a settlement conference and trial. Signed by Judge Sarah Evans Barker on 3/15/2024. (JSR) (Entered: 03/18/2024)
03/22/2024	118	RESPONSE re 116 Order to Show Cause why the Court should not grant summary judgment, filed by Plaintiff BENFORD DAVIS. (SWM) (Entered: 03/25/2024)
04/15/2024	119	ORDER - The Court ordered Mr. Davis to show cause why Officer Rachelle Brumfiel should not receive summary judgment on the Eighth Amendment claims against her for reasons not advanced in her summary judgment motion. Mr. Davis states that he "cannot produce any additional evidence," "cannot show-cause and does not want to waste anymore of the Court's time." Dkt. 118 . Therefore, the Court grants Officer Brumfiel summary judgment on the Eighth Amendment claims. The remaining claims in the case will be resolved by settlement or trial. Claims against Lieutenant Jonathan Jackson have been dismissed, see dkt. 116 at 14, so the clerk is directed to terminate Lieutenant Jackson as a defendant on the docket. The Court will attempt to recruit

	<p>counsel to represent Mr. Davis through final judgment. The Court requests that Magistrate Judge Baker convene a status conference after counsel's appointment to determine readiness and timelines for a settlement conference and trial. (See Order.) Signed by Judge Sarah Evans Barker on 4/15/2024. (JSR) (Entered: 04/15/2024)</p>
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