

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

MANDATE,NOD

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:23-cv-00082-MPB-MKK**

GILMAN v. BYRD et al
Assigned to: District Judge Matthew P. Brookman
Referred to: Magistrate Judge M. Kendra Klump
Case in other court: 7th Circuit, 24-01951 - Mandate
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/23/2023
Jury Demand: Defendant
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**JAMES GILMAN**

represented by **JAMES GILMAN**
110906
WABASH VALLEY - CF
Wabash Valley Correctional Facility
6908 S. Old US Hwy 41
CARLISLE, IN 47838
PRO SE

V.

Defendant**SAMUEL BYRD**
Dr. MD

represented by **Anna Kristine Marvin**
Riley Bennett Egloff
500 North Meridian Street
Suite 550
Indianapolis, IN 46204
574-870-2415
Email: amarvin@rbelaw.com
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
RILEY BENNETT EGLOFF LLP
500 N. Meridian Street
Suite 550
Indianapolis, IN 46204
317-636-8000
Fax: 317-636-8027
Email: jflint@rbelaw.com
ATTORNEY TO BE NOTICED

Defendant

CHELSEA PEARSON

Nurse RN

represented by **Anna Kristine Marvin**
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BARBARA RIGGS

Nurse RN Nursing Sup.

represented by **Anna Kristine Marvin**
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

LEANN MURRY

Nurse RN

represented by **Anna Kristine Marvin**
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

EMILY ENRIQUEZ

Nurse

represented by **Anna Kristine Marvin**
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

KAYLA KELLUMS

Nurse

represented by **Anna Kristine Marvin**
(See above for address)
ATTORNEY TO BE NOTICED

Jaclyn Michelle Flint
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DANIEL BEDWELL

represented by **Christopher Douglas Cody**
HUME SMITH GEDDES GREEN &
SIMMONS
54 Monument Circle
4th Floor

Indianapolis, IN 46204
 (317) 632-4402
 Fax: (317) 632-5595
 Email: ccody@humesmith.com
ATTORNEY TO BE NOTICED

Georgianna Q. Tutwiler
 HUME SMITH GEDDES GREEN &
 SIMMONS
 54 Monument Circle
 4th Floor
 Indianapolis, IN 46204
 317-632-4402
 Fax: 317-632-5595
 Email: gquinn@humesmith.com
ATTORNEY TO BE NOTICED

Hannah Kay Brady
 54 Monument Circle
 4th Floor
 Indianapolis, IN 46204
 317-420-5742
 Email: hbrady@humesmith.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/23/2023	<u>1</u>	CONSENT to Prisoner E-Service by JAMES GILMAN located at WVCf. Pursuant to General Order 2013-1, documents submitted by JAMES GILMAN 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. (DRB) (Entered: 02/23/2023)
02/23/2023	<u>2</u>	COMPLAINT against SAMUEL BYRD, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, SAMANTHA, filed by JAMES GILMAN. (No fee paid with this filing) (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(DRB) (Entered: 02/23/2023)
02/23/2023	<u>3</u>	Notice to File Rule 7.1 Disclosure Statement. (RAGS) (DRB) (Entered: 02/23/2023)
02/23/2023	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DRB) (Entered: 02/23/2023)
02/27/2023	<u>5</u>	NOTICE OF DEFICIENCY - Your civil rights complaint has been received. You shall have through March 27, 2023, 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>). A form motion for leave to proceed without the prepayment of the filing fee is being provided for your use. NOTE TO PRISONER - If you seek leave to proceed without prepaying the filing fee, and you

		are a prisoner, your motion must be accompanied by a copy of the transactions associated with your institution trust account for the 6-month period preceding the filing of this action. (Attachments: # 1 Motion For Leave To Proceed In Forma Pauperis) (JRT) (Entered: 02/27/2023)
02/27/2023	6	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: 02/27/2023)
03/09/2023	7	AMENDED COMPLAINT filed by JAMES GILMAN.(JDC) (Entered: 03/09/2023)
03/09/2023	8	MOTION for Subpoenas, filed by Plaintiff JAMES GILMAN. (JDC) (Entered: 03/09/2023)
03/09/2023	9	MOTION to Change Defendant Name, filed by Plaintiff JAMES GILMAN. (JDC) (Entered: 03/09/2023)
03/09/2023	10	RECEIPT #4186 for filing fee in the amount of \$402.00, paid by JAMES GILMAN. (DRB) (Entered: 03/09/2023)
04/05/2023	11	NOTICE of Reassignment of Case to Judge Matthew P. Brookman. Judge James R. Sweeney II is no longer assigned to this case. Please include the new case number, 2:23-cv-00082-MPB-MKK , on all future filings in this matter. (BRR) (Entered: 04/05/2023)
05/03/2023	12	Order Screening Amended Complaint and Directing Further Proceedings - If Mr. Gilman believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have through May 23, 2023, in which to identify those claims. Mr. Gilman's motion to change defendant's name, dkt. 9 , is granted to the extent that the clerk is directed to update the docket and replace "Samantha Nurse RN" with "Nurse Emily Enriquez, RN." Mr. Gilman's motion for subpoenas, dkt. 8 , is denied as premature. The clerk is directed to issue process to defendants (1) Dr. Samuel Byrd; (2) Nurse Chelsea Pearson; (3) Nurse Barbara Riggs; (4) Nurse Leann Murry; and (5) Nurse Emily Enriquez. The clerk is directed to serve the Centurion employees electronically. SEE ORDER. Signed by District Judge Matthew P Brookman on 5/3/2023. (KAA) (Entered: 05/03/2023)
05/03/2023	13	NOTICE of Lawsuit & Waiver Issued by Clerk upon: (1) Dr. Samuel Byrd; (2) Nurse Chelsea Pearson; (3) Nurse Barbara Riggs; (4) Nurse Leann Murry; and (5) Nurse Emily Enriquez. (KAA) (Entered: 05/03/2023)
05/03/2023	14	Documents to be Sent via Electronic Notice - re 13 NOTICE of Lawsuit & Waiver Issued by Clerk, 7 Amended Complaint, 12 Order on Motion Electronic Notice to Centurion. (KAA) (Entered: 05/03/2023)
05/03/2023	15	MOTION Requesting Status of Case, filed by Plaintiff JAMES GILMAN. (TPS) (Entered: 05/03/2023)
05/04/2023	16	MOTION for Leave to File Second Amended Compliant, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Amended Compliant)(LF) Modified to add docket text on 5/4/2023 (LF). (Entered: 05/04/2023)
05/09/2023	17	Plaintiff's MOTION for Subpoena for Special Circumstance, filed by Plaintiff JAMES GILMAN. (AAS) (Entered: 05/09/2023)

05/10/2023	<u>18</u>	Order Granting Motion for Status of Case and Motion for Leave to File Second Amended Complaint, Screening Second Amended Complaint, and Directing Further Proceedings - Mr. Gilman's May 3, 2023, motion for a status update, dkt. <u>15</u> , is granted to the extent that the Court has screened his amended complaint and now proceeds to screen his second amended complaint. On May 4, 2023, Mr. Gilman filed a motion for leave to file a second amended complaint, dkt. <u>16</u> , because Mr. Gilman learned that another nurse denied him access to the infirmary. Mr. Gilman's motion is granted. The clerk is directed to docket the exhibit at docket [16-1] as the Second Amended Complaint. The clerk is directed to add Nurse Kayla Kellums as a defendant on the docket and issue process. The clerk is directed to serve Nurse Kellums, a Centurion employee, electronically. See Order. Signed by District Judge Matthew P Brookman on 5/10/2023. (KAA) (Entered: 05/10/2023)
05/10/2023	<u>19</u>	SECOND AMENDED COMPLAINT against SAMUEL BYRD, EMILY ENRIQUEZ, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, KAYLA KELLUMS, filed by JAMES GILMAN.(KAA) (Main Document 19 replaced on 5/10/2023 to correct double heading) (KAA). Modified on 5/10/2023 (KAA). (Entered: 05/10/2023)
05/10/2023	<u>20</u>	NOTICE of Lawsuit & Waiver Issued by Clerk upon: Nurse Kayla Kellums. (KAA) (Entered: 05/10/2023)
05/10/2023	<u>21</u>	Documents to be Sent via Electronic Notice - re <u>20</u> NOTICE of Lawsuit & Waiver Issued by Clerk, <u>18</u> Order on Motion Order on Motion for Leave to File, <u>19</u> Amended Complaint, <u>12</u> Order on Motion Electronic Notice to Centurion. (KAA) (Entered: 05/10/2023)
05/12/2023	<u>22</u>	ORDER granting <u>17</u> Motion for Subpoena. The clerk is directed to include an endorsed, but otherwise blank, subpoena with Mr. Gilman's copy of this order. Mr. Gilman is responsible for serving the subpoena consistent with Federal Rule of Civil Procedure 45. Signed by Magistrate Judge M. Kendra Klump on 5/12/2023. (Attachments: # <u>1</u> Subpoena) (LBT) (Entered: 05/15/2023)
06/01/2023	<u>23</u>	NOTICE of Appearance by Robert C. Brandt on behalf of Defendants SAMUEL BYRD, EMILY ENRIQUEZ, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Brandt, Robert) (Entered: 06/01/2023)
06/01/2023	<u>24</u>	NOTICE of Appearance by Jaclyn Michelle Flint on behalf of Defendants SAMUEL BYRD, EMILY ENRIQUEZ, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 06/01/2023)
06/01/2023	<u>25</u>	WAIVER OF SERVICE Returned Executed, filed by EMILY ENRIQUEZ, CHELSEA PEARSON, SAMUEL BYRD, BARBARA RIGGS, LEANN MURRY. EMILY ENRIQUEZ waiver sent on 5/3/2023; CHELSEA PEARSON waiver sent on 5/3/2023; SAMUEL BYRD waiver sent on 5/3/2023; BARBARA RIGGS waiver sent on 5/3/2023; LEANN MURRY waiver sent on 5/3/2023. (Brandt, Robert) (Entered: 06/01/2023)
06/15/2023	<u>26</u>	MOTION to Depose Non-Party Witnesses and NOTICE of Deposition, filed by Plaintiff JAMES GILMAN. (SWM) (Entered: 06/15/2023)
06/15/2023	<u>27</u>	MOTION for Subpoenas, filed by Plaintiff JAMES GILMAN. (TPS) (Entered: 06/15/2023)
06/15/2023	<u>28</u>	MOTION for Preliminary Injunction and Sanctions, filed by Plaintiff JAMES GILMAN. (Attachments: # <u>1</u> Exhibit)(TPS) (Entered: 06/15/2023)

06/15/2023	29	MOTION and Affidavit for Subpoenas, filed by Plaintiff JAMES GILMAN. (TPS) (Entered: 06/15/2023)
06/21/2023	30	ORDER Denying Discovery-Related Motions as Premature - Plaintiff James Gilman's motion to depose non-party witnesses, Dkt. 26 , motion for subpoenas, Dkt. 27 , and motion and affidavit for subpoenas, Dkt. 29 , are denied as premature. The defendants have not answered, and discovery is not yet open in this matter. Indeed, if the defendants pursue the exhaustion defense, discovery related to the merits of this action will be stayed until that issue is resolved. Mr. Gilman has filed a motion for preliminary injunction and request for sanctions. Dkt. 28. The defendants shall respond to this motion when they file their answer. Signed by Magistrate Judge M. Kendra Klump on 6/21/2023. (LBT) (Entered: 06/21/2023)
06/22/2023	37	NOTICE of missing evidence needed, filed by Plaintiff JAMES GILMAN. (LF) (Entered: 07/28/2023)
06/29/2023	36	***WITHDRAWN BY 43 *** MOTION to Compel, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit)(LF) Modified on 8/2/2023 (JRB). (Entered: 07/28/2023)
07/03/2023	31	NOTICE of Appearance by Robert C. Brandt on behalf of Defendant KAYLA KELLUMS. (Brandt, Robert) (Entered: 07/03/2023)
07/03/2023	32	NOTICE of Appearance by Jaclyn Michelle Flint on behalf of Defendant KAYLA KELLUMS. (Flint, Jaclyn) (Entered: 07/03/2023)
07/03/2023	33	ANSWER to 19 Amended Complaint , filed by SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS.(Brandt, Robert) (Entered: 07/03/2023)
07/03/2023	34	RESPONSE in Opposition re 28 MOTION for Preliminary Injunction , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Brandt, Robert) (Entered: 07/03/2023)
07/05/2023	35	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 August 16, 2023, in which to either: SEE ORDER. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. The movant shall then have fourteen (14) days in which to reply. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 7/5/2023.(JRB) (Entered: 07/06/2023)
07/05/2023	41	MOTION to Withdraw 36 MOTION to Compel, filed by Plaintiff JAMES GILMAN. (LF) (Entered: 07/28/2023)
07/06/2023	38	MOTION for Leave to File Third Amended Complaint, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Proposed Amended Complaint)(TPS) (Entered: 07/28/2023)
07/13/2023	39	Reply to Response Dkt. 34 to Motion Dkt. 28 , filed by Plaintiff JAMES GILMAN. (LF) (Entered: 07/28/2023)
07/13/2023	40	RESPONSE to answer, re 33 Answer to Amended Complaint, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit) (LF) (Entered: 07/28/2023)

08/02/2023	42	NOTICE of Appearance by Alexis Jenkins on behalf of Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Jenkins, Alexis) (Entered: 08/02/2023)
08/02/2023	43	ORDER granting 41 MOTION to Withdraw 36 Motion to Compel. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 8/1/2023. (JRB) (Entered: 08/02/2023)
08/16/2023	44	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Brandt, Robert) (Entered: 08/16/2023)
08/16/2023	45	BRIEF/MEMORANDUM in Support re 44 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Brandt, Robert) (Entered: 08/16/2023)
08/16/2023	46	Designation of Evidence re 44 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , 45 Brief/Memorandum in Support , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Brandt, Robert) (Entered: 08/16/2023)
08/16/2023	47	NOTICE Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS (Brandt, Robert) (Entered: 08/16/2023)
09/14/2023	48	RESPONSE in Opposition re 44 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff JAMES GILMAN. (LBT) (Entered: 09/14/2023)
09/14/2023	49	Designation of Evidence re 48 Response in Opposition to 44 Motion for Summary Judgment, filed by Plaintiff JAMES GILMAN. (LBT) (Entered: 09/14/2023)
09/19/2023	50	NOTICE of Missing Signatures, filed by Plaintiff JAMES GILMAN (Attachments: # 1 Exhibit) (AAS) (Entered: 09/19/2023)
09/19/2023	51	ORDER Denying Motion for Sanctions - 28 Motion for Sanctions is DENIED without prejudice. See Order for details. Signed by Magistrate Judge M. Kendra Klump on 9/19/2023. (LBT) (Entered: 09/20/2023)
09/28/2023	52	REPLY in Support of Motion re 44 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Brandt, Robert) (Entered: 09/28/2023)
10/11/2023	53	Surreply re 44 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Plaintiff JAMES GILMAN. (AAS) (Entered: 10/11/2023)
01/19/2024	54	MOTION to Withdraw Attorney Appearance of Alexis R. Jenkins, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Attachments: # 1 Text of Proposed Order)(Jenkins, Alexis) (Entered: 01/19/2024)

01/24/2024	55	ORDER granting 54 Motion to Withdraw Attorney Appearance. Attorney Alexis Jenkins withdrawn. Signed by Magistrate Judge M. Kendra Klump on 1/24/2024. (LBT) (Entered: 01/25/2024)
01/29/2024	56	Order Screening Third Amendment Complaint and Directing Further Proceedings - Plaintiff's motion is granted. The clerk is directed to docket the exhibit at docket [38-1] as the Third Amended Complaint. that claim shall proceed against Daniel Bedwell. The clerk is directed to add Daniel Bedwell as a defendant on the docket and issue process to him pursuant to Fed. R. Civ. P. 4(c)(3). Plaintiff's motion to file an amended complaint, dkt. 38 , is granted. The Third Amended Complaint, dkt. [38-1], is now the operative complaint, and Eighth Amendment deliberate indifference claims are proceeding against (1) Dr. Samuel Byrd; (2) Nurse Chelsea Pearson; (3) Nurse Barbara Riggs; (4) Nurse Leann Murry; (5) Nurse Emily Enriquez; (6) Nurse Kayla Kellums; and (7) Daniel Bedwell. The motion for summary judgment, dkt. 44 , filed by Defendants Byrd, Pearson, Riggs, Murry, Enriquez, and Kellums remains under advisement. Copies provided per distribution list. Signed by District Judge Matthew P. Brookman on 1/29/2024. (AAS) (Entered: 01/29/2024)
01/29/2024	57	THIRD AMENDED COMPLAINT against All Defendants, filed by JAMES GILMAN.(AAS) (Entered: 01/29/2024)
01/29/2024	58	NOTICE of Lawsuit & Waiver Issued by Clerk to DANIEL BEDWELL. (AAS) (Entered: 01/29/2024)
02/01/2024	59	EMERGENCY MOTION for non-party subpoena, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit - Various Documents)(SWM) (Entered: 02/02/2024)
02/12/2024	60	ANSWER to 57 Amended Complaint , filed by SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS.(Brandt, Robert) (Entered: 02/12/2024)
02/14/2024	61	ORDER GRANTING MEDICAL DEFENDANTS' MOTION FOR SUMMARY JUDGMENT - This matter is before the Court on a motion for summary judgment filed by Dr. Samuel Byrd, and Nurses Chelsea Pearson, Barbara Riggs, Leann Murry, Emily Enriquez, and Kayla Kellums (collectively the "Medical Defendants"). Dkt. 44 . Plaintiff James Gilman, an inmate at Wabash Valley Correctional Facility, filed this action alleging that the Medical Defendants were deliberately indifferent to his health care needs in violation of the Eighth Amendment. The Medical Defendants have raised as an affirmative defense that Plaintiff failed to exhaust administrative remedies before filing this lawsuit. For the reasons below, the Court GRANTS the motion for summary judgment. All claims against these defendants are dismissed without prejudice and the clerk is directed to terminate them as defendants on the docket. The Court recently granted Plaintiff leave to amend his complaint to add a new defendant, Daniel Bedwell, a food service provider against whom the claims are different than those against the Medical Defendants. Dkt. 56 . That claim remains pending. (See Order.) Signed by District Judge Matthew P. Brookman on 2/14/2024. (BAA) (Entered: 02/14/2024)
02/14/2024	62	ORDER DENYING REQUEST FOR SUBPOENA - 59 Motion for Subpoena is DENIED. See Order for details. Signed by Magistrate Judge M. Kendra Klump on 2/14/2024. (LBT) (Entered: 02/14/2024)

02/29/2024	63	MOTION for Reconsideration re 61 Order on Motion for Summary Judgment, filed by Plaintiff JAMES GILMAN. (DWH) (Entered: 02/29/2024)
05/07/2024	64	ORDER denying 63 MOTION for Reconsideration re 61 Order on Motion for Summary Judgment filed by JAMES GILMAN. Plaintiff failed to identify any new law or fact that would cause the Court to reconsider its ruling. (SEE ORDER.) Signed by District Judge Matthew P. Brookman on 5/7/2024. (TPS) (Entered: 05/07/2024)
05/07/2024	65	ENTRY DIRECTING SERVICE OF PROCESS - On January 29, 2024, the Court screened Plaintiff James Gilman's third amended complaint and issued process to Defendant Daniel Bedwell, but the Defendant has not returned a waiver of service. Dkts. 56, 58. The clerk is directed pursuant to Fed. R. Civ. P. 4(c)(3) to reissue process to Defendant Bedwell. Process shall consist of the third amended complaint, dkt. 57 , screening order, dkt. 56 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. (See Order) Signed by Magistrate Judge M. Kendra Klump on 05/07/2024. Copy to Defendant Bedwell via US Mail.(AAT) Modified on 5/9/2024 (AAT)-added docket text. (Entered: 05/09/2024)
05/09/2024	66	NOTICE of Lawsuit & Waiver Issued by Clerk upon DANIEL BEDWELL. (AAT) (Entered: 05/09/2024)
05/30/2024	67	NOTICE OF APPEAL as to 64 Order on Motion for Reconsideration, filed by Plaintiff JAMES GILMAN. (No fee paid with this filing) (LF) (Entered: 05/30/2024)
05/30/2024	68	DOCKETING STATEMENT by JAMES GILMAN re 67 Notice of Appeal (LF) (Entered: 05/30/2024)
05/30/2024	69	Jurisdictional Statement by JAMES GILMAN. (LF) (Entered: 05/30/2024)
05/30/2024	70	DESIGNATION of Pleadings on Appeal by JAMES GILMAN re 67 Notice of Appeal (LF) (Entered: 05/30/2024)
06/03/2024	71	PARTIES' SHORT RECORD re 67 Notice of Appeal - Instructions for Attorneys/ Parties attached. (Copy to appellant via US Mail.) (KAA) (Entered: 06/03/2024)
06/03/2024	72	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 67 Notice of Appeal. - for Court of Appeals Use Only. (KAA) (Entered: 06/03/2024)
06/04/2024	73	USCA Case Number 24-1951 for 67 Notice of Appeal filed by JAMES GILMAN. (Attachments: # 1 PLRA Fee Notice)(KAA) (Entered: 06/04/2024)
06/06/2024	75	Letter from JAMES GILMAN with payment. (Attachments: # 1 Envelope) (KAA) (Entered: 06/12/2024)
06/11/2024	74	USCA Appeal Fees received (\$605.00, Receipt Number 10712) re 67 Notice of Appeal filed by JAMES GILMAN (USCA #24-1951) (DJH) (Entered: 06/11/2024)
06/13/2024	76	ENTRY DIRECTING SECOND RE-SERVICE OF PROCESS - On January 29, 2024, the Court screened Plaintiff James Gilman's third amended complaint and issued process to Defendant Daniel Bedwell. The Court reissued process to Defendant Bedwell on May 9, 2024, but the Defendant has not responded to either request to waive service in this action. Dkts. 56, 58, 65, 66. The clerk is directed pursuant to Fed. R. Civ. P. 4(c) (3) to reissue process to Defendant Bedwell. Process shall consist of the third amended complaint, dkt. 57, screening order, dkt. 56, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of

		Service of Summons), and this Entry. Additionally, Defendant Bedwell has been identified as an employee of Aramark Correctional Services. The Court takes judicial notice that counsel for Aramark represents Defendant Bedwell in other proceedings before this Court. See, e.g., Ward v. Centurion Health Services, LLC, et al., No. 2:23-cv-00369-JPH-MG, dkt. 30 (notice of appearance by counsel on behalf of Defendant Bedwell). The clerk is directed to distribute a copy of this Order to counsel for Aramark at Hume Smith Geddes Green & Simmons, LLP, by mail and email to the addresses indicated below. If counsel for Aramark does not assist Defendant Bedwell in filing a timely waiver of service, counsel is requested to file the last known address for Defendant Bedwell within 30 days of the date of this Order. Alternatively, counsel may notify the Court that this information is unknown. This information may be provided to the Court informally or may be filed ex parte. Signed by Magistrate Judge M. Kendra Klump on 6/13/2024. Copies distributed pursuant to distribution list. (DWH) (Entered: 06/17/2024)
06/17/2024	77	NOTICE of Lawsuit & Waiver Issued by Clerk TO: DANIEL BEDWELL. (DWH) (Entered: 06/17/2024)
06/26/2024	78	SUBMISSION OF Copy of MOTION for Extension of Time filed with Court of Appeals, filed by Plaintiff JAMES GILMAN. (DWH) Modified on 6/28/2024 (MEH). (Entered: 06/27/2024)
06/27/2024	79	MOTION for Leave to Appeal to File Interlocutory Appeal, filed by Plaintiff JAMES GILMAN. (BAA) (Entered: 06/28/2024)
07/08/2024	80	ORDER TO SHOW CAUSE - The Medical Defendants are ordered to show cause within seven (7) days of this Order why the Court should not enter partial final judgment. SEE ORDER. Signed by District Judge Matthew P. Brookman on 07/08/2024.(AAS) (Entered: 07/08/2024)
07/09/2024	81	NOTICE of Appearance by Christopher Douglas Cody on behalf of Defendant DANIEL BEDWELL. (Cody, Christopher) (Entered: 07/09/2024)
07/09/2024	82	WAIVER OF SERVICE Returned Executed, filed by DANIEL BEDWELL. DANIEL BEDWELL waiver sent on 6/17/2024. (Cody, Christopher) (Entered: 07/09/2024)
07/09/2024	83	Rule 7.1 Disclosure Statement by DANIEL BEDWELL. (Cody, Christopher) (Entered: 07/09/2024)
07/09/2024	84	NOTICE of Appearance by Georgianna Q. Tutwiler on behalf of Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 07/09/2024)
07/09/2024	85	NOTICE <i>Regarding Issuance of Partial Final Judgment</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, re 80 Order to Show Cause. (Brandt, Robert) (Entered: 07/09/2024)
07/18/2024	86	MOTION for Partial Final Order, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 07/18/2024)
07/23/2024	87	Order Directing Entry of Partial Final Judgment For Certain Defendants - Plaintiff's motion for leave to file an interlocutory appeal, dkt. 79 , is denied, while his motion for a partial final judgment (or order), dkt. 86 , is granted. The clerk is directed to now enter partial final judgment as to the Medical Defendants, consistent with this Order and the Court's Order Granting Medical Defendants' Motion for Summary Judgment, dkt. 61 . SEE ORDER. Signed by District Judge Matthew P. Brookman on 7/23/2024.

		(JRB) (Entered: 07/23/2024)
07/23/2024	88	PARTIAL FINAL JUDGMENT - The Court now enters PARTIAL FINAL JUDGMENT. The action is dismissed without prejudice as it relates to defendants Byrd, Pearson, Riggs, Murry, Enriquez, and Kellums only. Signed by District Judge Matthew P. Brookman on 7/23/2024.(JRB) (Entered: 07/23/2024)
08/16/2024	89	ANSWER to 57 Amended Complaint , filed by DANIEL BEDWELL.(Tutwiler, Georgianna) (Entered: 08/16/2024)
08/28/2024	90	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE ANDISSUING PARTIAL STAY - The sole remaining defendant in this action, Daniel Bedwell, has asserted the affirmative defense that the plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit as required by the Prison Litigation Reform Act. Dkt. 89 . This defense must be resolved before reaching the merits of this case. The exhaustion defense will be resolved pursuant to the following schedule. The defendant shall have through October 1, 2024, in which to either: file a dispositive motion in support of the exhaustion defense (including the Notice required by Local Rule 56-1(k)); file a notice with the Court specifically identifying the fact issue(s) that preclude resolution of this affirmative defense via a dispositive motion and requesting a Pavey hearing; or file a notice with the Court withdrawing the exhaustion defense.The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. If a dispositive motion is filed, the plaintiff shall have twenty-eight (28) days in which to respond. The movant shall then have fourteen (14) days in which to reply. Furthermore, if a dispositive motion is filed, it is the movant's burden to prove both that the administrative remedy process was available to the plaintiff and that he or she failed to utilize it. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 8/28/2024.(AAS) (Entered: 08/30/2024)
10/01/2024	91	MOTION for Extension of Time to October 8, 2024 <i>to file Motion for Summary Judgment for failure to exhaust administrative remedies</i> , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Tutwiler, Georgianna) (Entered: 10/01/2024)
10/03/2024	92	ORDER granting 91 Motion for Extension of Time to File Motion for Summary Judgment to 10/8/2024. SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 10/3/2024. (JRB) (Entered: 10/03/2024)
10/08/2024	93	MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 10/08/2024)
10/08/2024	94	BRIEF/MEMORANDUM in Support re 93 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 10/08/2024)
10/08/2024	95	Designation of Evidence re 93 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Exhibit 1)(Tutwiler, Georgianna) (Entered: 10/08/2024)
10/08/2024	96	NOTICE of Right to Respond, filed by Defendant DANIEL BEDWELL, re 93 MOTION for Summary Judgment (<i>Exhaustion of Administrative Remedies</i>) . (Attachments: # 1 Exhibit A) (Tutwiler, Georgianna) (Entered: 10/08/2024)
10/15/2024	97	MOTION to Stay Summary Judgment Proceedings, filed by Plaintiff JAMES GILMAN. (LBT) (Entered: 10/16/2024)

10/17/2024	98	ORDER denying 97 Motion to Stay Summary Judgment Proceedings - In light of Plaintiff's motion, the Court sua sponte extends the deadline for him to file a response to the summary judgment motion to November 15, 2024. SEE ORDER. Signed by District Judge Matthew P. Brookman on 10/17/2024. (JRB) (Entered: 10/18/2024)
12/20/2024	99	RESPONSE to Motion for Summary Judgment 44 , filed by Plaintiff JAMES GILMAN. (BAA) (Entered: 12/23/2024)
01/06/2025	100	MOTION to Strike 99 Response to Defendant's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies, filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 01/06/2025)
01/07/2025	101	Submission of Proposed Order , re 100 MOTION to Strike 99 Response to Defendant's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies, filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 01/07/2025)
01/21/2025	102	RESPONSE in Opposition to 100 MOTION to Strike 99 Response to Defendant's Motion for Summary Judgment for Failure to Exhaust Administrative Remedies, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 01/23/2025)
02/06/2025	103	Order Denying Motion to Strike - Defendant Daniel Bedwell's motion to strike Plaintiff James Gilman's belated response to Defendant's pending summary judgment motion, dkt. 100 , is DENIED. Pursuant to Defendant's alternative request, he is granted until February 21, 2025, to file a reply to Plaintiff's response. Signed by District Judge Matthew P. Brookman on 02/06/2025. (AJG) (Entered: 02/06/2025)
02/14/2025	104	MOTION to Deny Summary Judgment based on Ruling by Court of Appeals, filed by Plaintiff JAMES GILMAN. (AAS) (Entered: 02/14/2025)
02/17/2025	105	MOTION to Proceed with Tampering Discovery and Request for Non-Party Subpoenas, filed by Plaintiff JAMES GILMAN. (BAA) (Entered: 02/19/2025)
02/21/2025	106	NOTICE of Withdrawal of Exhaustion Defense, filed by Defendant DANIEL BEDWELL (Tutwiler, Georgianna) (Entered: 02/21/2025)
02/24/2025	107	MOTION for Return of appellate fees and Request for issuance of pretrial schedule, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit)(RSF) (Entered: 02/24/2025)
02/27/2025	108	MANDATE of USCA as to 67 Notice of Appeal filed by JAMES GILMAN (USCA #24-1951) - We therefore REVERSE the judgment, with costs, and REMAND for further proceedings on the merits, in accordance with the decision of this court entered on 2/5/2025. (LBT) (Entered: 02/27/2025)
03/03/2025	109	Entry Following Mandate - On February 27, 2025, the Court of Appeals issued its mandate reversing the grant of partial summary judgment in this case in favor of Defendants Samuel Byrd, Chelsea Pearson, Barbara Riggs, Leann Murry, Emily Enriquez, and Kayla Kellums. Dkt. 108 . The clerk is directed to re-add these parties as defendants on the docket. The parties are reminded of their obligation under Local Rule 16-2 to file a statement of position with the Court as to what action should now be taken in the case within twenty-one days of the mandate, or by March 20, 2025. the Court notes that Defendant Bedwell, who was not party to the original grant of summary judgment and ensuing appeal, has now notified the Court of his intent to withdraw his previously-filed motion for summary judgment. Dkt. 106 . As such, that motion, dkt. 93 , is terminated and Mr. Gilman's motion to deny summary judgment

		based on the Court of Appeals's decision, dkt. 104 , is denied. The Magistrate Judge is requested to set a telephonic status conference with all parties to discuss case status and the setting of a pretrial schedule for this case going forward. Finally, the clerk is directed to attach a form motion for assistance with recruiting counsel to Mr. Gilman's copy of this Order. Signed by District Judge Matthew P. Brookman on 3/3/2025. (Attachments: # 1 Motion for Counsel Form) (KAA) (Entered: 03/03/2025)
03/03/2025	110	RESPONSE in Opposition re 105 MOTION to Plaintiff's Motion to Proceed with Tampering Discovery and Request for Non-Party Subpoenas, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 03/03/2025)
03/04/2025	111	Statement of Position and Objection to Allowing Defendants' Response to Fee Mandate, by JAMES GILMAN. (RSF) (Entered: 03/04/2025)
03/04/2025	112	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 10/3/2025. Discovery due by 9/3/2025. Signed by Magistrate Judge M. Kendra Klump on 3/4/2025.(LBT) (Entered: 03/05/2025)
03/07/2025	113	MOTION for SUBPOENA AND PERMISSION TO DEPOSE NON-PARTY WITNESS, filed by Plaintiff JAMES GILMAN. (RSF) (Entered: 03/07/2025)
03/07/2025	114	MOTION AND AFFIDAVIT FOR SUBPOENAS DEUCE TECUM TO PRODUCE DOCUMENTS, filed by Plaintiff JAMES GILMAN. (RSF) (Entered: 03/07/2025)
03/07/2025	115	INTERROGATORIES FOR DEFENDANT EMILY ENRIQUEZ, filed by Plaintiff JAMES GILMAN.(RSF) (Entered: 03/07/2025)
03/07/2025	116	FIRST SET OF INTERROGATORIES FOR DEFENDANT SAMUEL BYRD, filed by Plaintiff JAMES GILMAN.(RSF) (Entered: 03/07/2025)
03/11/2025	117	*** WITHDRAWN *** MOTION for to Expand Number of Interrogatory Questions, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Text of Proposed Order)(RSF) Modified on 4/7/2025 Updated Docket Text. (AJG). (Entered: 03/11/2025)
03/14/2025	118	ORDER SETTING TELEPHONIC STATUS CONFERENCE - This case is set for a telephonic status conference on May 7, 2025, at 2:00 p.m. (Eastern), with Magistrate M. Kendra Klump. The Court will contact counsel by separate email through the Court's electronic filing system with the call-in information to be used to participate in the conference. The Court will contact staff at the Wabash Valley Correctional Facility by separate email with the call-in information to be used to connect Mr. Gilman to the conference. Signed by Magistrate Judge M. Kendra Klump on 3/14/2025. (BAA) (Entered: 03/14/2025)
03/14/2025	119	ORDER TO MAKE INMATE AVAILABLE VIA TELEPHONE - Warden of Wabash Valley Correctional Facility ordered to produce James Gilman (110906) for a telephonic court proceeding on 5/7/2025 at 2:00 p.m. Eastern. Signed by Magistrate Judge M. Kendra Klump on 3/14/2025. (See Order.) Electronic notice to USM-W. (BAA) (Entered: 03/14/2025)

03/19/2025	121	Statement of Position by DANIEL BEDWELL. (Cody, Christopher) (Entered: 03/19/2025)
03/20/2025	122	Statement of Position by SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 03/20/2025)
03/20/2025	123	REPLY in Support of 105 MOTION to Proceed, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 03/20/2025)
03/21/2025	124	MOTION to Quash <i>Plaintiffs Requested Subpoena for Deposition and Subpoenas Duces Tecum to Non-Parties</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 03/21/2025)
03/24/2025	125	RESPONSE in Opposition re 117 MOTION for Discovery , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 03/24/2025)
03/27/2025	126	Second Motion for Return of Appellate Costs, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 03/27/2025)
03/27/2025	127	RESPONSE in Opposition to 124 MOTION to Quash <i>Plaintiffs Requested Subpoena for Deposition and Subpoenas Duces Tecum to Non-Parties</i> , filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 03/27/2025)
03/28/2025	128	RESPONSE in Opposition re 107 MOTION MOTION for Court Assistance, 126 MOTION <i>Centurion Defendants' Response to Plaintiff's Motion Requesting Return of Appellate Filing Fee</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 03/28/2025)
03/31/2025	129	Order Directing Payment of Appellate Filing Fee to Plaintiff: Given this language and the language of the Court of Appeals' mandate, the Court now ORDERS that the Medical Defendants are jointly and severally liable to Mr. Gilman for the \$605.00 appellate filing fee he paid for his successful appeal. Payment of this amount shall be made to Mr. Gilman within 30 days of this Order. Mr. Gilman's motions at dkt. 107 and 126 are GRANTED in part as explained in this Order. Dkt. 107 is DENIED in part as moot to the extent it requests the setting of a pretrial schedule, because that schedule has been issued. Dkt. 112 . See Order. Signed by District Judge Matthew P. Brookman on 3/31/2025. (LF) (Entered: 04/01/2025)
04/01/2025	130	NOTICE of Substitution of Appearance by Anna Kristine Marvin replacing <i>Robert C. Brandt</i> on behalf of SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS (Marvin, Anna) (Entered: 04/01/2025)
04/02/2025	131	Interrogatories for Defendant Emily Enriquez, filed by Plaintiff JAMES GILMAN. (AJG) (Entered: 04/02/2025)
04/02/2025	132	Plaintiffs First Set of Interrogatories For Defendant Samuel Byrd, filed by Plaintiff JAMES GILMAN.(AJG) (Entered: 04/02/2025)
04/02/2025	133	MOTION to Withdraw Document 17 , filed by Plaintiff JAMES GILMAN. (AJG) (Entered: 04/02/2025)

04/04/2025	134	NOTICE <i>Regarding Receipt of Amended Interrogatories</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, re 133 MOTION, 132 Discovery, 131 Discovery. (Flint, Jaclyn) (Entered: 04/04/2025)
04/07/2025	135	ORDER - This matter comes before the Court on Plaintiff's Motion to Withdraw his Motion to Expand the Number of Interrogatory Questions (Dkt. 117). Dkt. 133 . The Court, being duly advised, now GRANTS said Motion. Plaintiff's Motion to Expand the Number of Interrogatory Questions (Dkt. 117) shall be WITHDRAWN from the record. Signed by Magistrate Judge M. Kendra Klump on 04/07/2025. (AJG) (Entered: 04/07/2025)
04/15/2025	136	ORDER - 105 Motion to Proceed with Tampering Discovery and Request for Non-Party Subpoena is GRANTED. The Clerk is directed to send to Plaintiff two endorsed but otherwise blank deposition subpoenas, which are attached to this Order. Plaintiff's Motion for Subpoena and Permission to Depose Non-Party Witness, Dkt. 113 , and Plaintiff's Motion and Affidavit for Subpoenas Deuce Tecum to Produce Documents and 114 Motion to Quash Plaintiff's Requested Subpoena for Deposition and Subpoenas Duces Tecum to Non-Parties, are DENIED without prejudice. 124 Motion to Quash Plaintiff's Requested Subpoena for Deposition and Subpoenas Duces Tecum to Non-Parties is DENIED. See order for details. Signed by Magistrate Judge M. Kendra Klump on 4/15/2025. (Attachments: # 1 2 Subpoenas) (LBT) (Entered: 04/15/2025)
04/18/2025	137	NOTICE <i>of Compliance with Court Order</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, re 129 Order on MotionOrder on Motion for Court Assistance. (Flint, Jaclyn) (Entered: 04/18/2025)
04/18/2025	138	MOTION for Extension of Time to May 2, 2025 <i>to Answer Plaintiff's First Set of Interrogatories</i> , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Cody, Christopher) (Entered: 04/18/2025)
04/22/2025	139	ORDER denying 138 Motion for Extension of Time - SEE ORDER. Signed by Magistrate Judge M. Kendra Klump on 4/22/2025. (JRB) (Entered: 04/22/2025)
04/23/2025	140	MOTION for Non-Party Subpoena Deuce Tecum for Discovery from Wabash Valley Correctional Facility, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 04/23/2025)
04/23/2025	141	MOTION for Non-Party Subpoena Deuce Tecum for Discovery from Centurion Health Services, LLC, filed by Plaintiff JAMES GILMAN. (JRB) (Entered: 04/23/2025)
05/02/2025	142	NOTICE of Service of Initial Disclosures , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 05/02/2025)
05/05/2025	143	Plaintiff's Exhibits for Wednesday Teleconference by JAMES GILMAN. (Attachments: # 1 Exhibit)(JRB) (Entered: 05/05/2025)
05/09/2025	144	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 5/7/2025. Telephonic Status Conference set for 7/9/2025 at 3:30 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information and deadlines. Signed by Magistrate Judge M. Kendra Klump.

		(BAS) (Additional attachment(s) added on 5/9/2025: # 1 Subpoena) (BAS). (Entered: 05/09/2025)
05/09/2025	145	ORDER to PRODUCE INMATE. Warden of Wabash Valley Correctional Facility ordered to produce James Gilman for court proceeding on 7/9/2025. Signed by Magistrate Judge M. Kendra Klump on 5/9/2025. Electronic notice to USM-W.(BAS) Copy emailed to WVCF on 5/13/2025 (BAS). (Entered: 05/09/2025)
05/12/2025	146	RESPONSE re 141 MOTION <i>Centurion Defendants' Response to Plaintiff's Request for Subpoena Duece Tecum for Discovery from Centurion Health Services, LLC</i> , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 05/12/2025)
05/13/2025	147	SCHEDULING ORDER: Final Pretrial Conference set for 1/16/2026 at 10:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before District Judge Matthew P. Brookman. Jury Trial set for 2/24/2026 at 9:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before District Judge Matthew P. Brookman. Signed by District Judge Matthew P. Brookman on 5/13/2025.(LBT) (Entered: 05/13/2025)
05/13/2025	149	REQUEST for Admissions, filed by Plaintiff JAMES GILMAN.(JRB) (Entered: 05/13/2025)
05/21/2025	150	Plaintiff's Request for Prior Ordered Subpoena, filed by Plaintiff JAMES GILMAN. (AAS) (Entered: 05/21/2025)
05/30/2025	151	NOTIFICATION to Correct Error, filed by Plaintiff JAMES GILMAN (AAS) (Entered: 06/02/2025)
06/02/2025	152	ORDER - Before the Court is Plaintiff's Motion for Prior Ordered Subpoena, Dkt. 150 . Plaintiff requests the Court send him the subpoena that was to be attached to the latest Minute Entry. (Id.). Plaintiff's Motion is GRANTED. The Clerk is directed to send Plaintiff copies of Docket Nos. 144 and 144-1 with his copy of this Order. Signed by Magistrate Judge M. Kendra Klump on 6/2/2025. (Attachments: # 1 Dkt. 144 and 144-1) (KAA) (Entered: 06/02/2025)
06/02/2025	153	MOTION for Availability Order, filed by Plaintiff JAMES GILMAN. (RSF) (Entered: 06/02/2025)
06/05/2025	154	REPLY in Support of 141 MOTION for Subpoena, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit)(JRB) (Entered: 06/05/2025)
06/06/2025	155	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Correctional Facility ordered to make James Gilman (110906) Available - via Telephone for court proceeding on 6/25/2025 at 1:30 PM (EST). Signed by Magistrate Judge M. Kendra Klump on 6/6/2025.(AAS) (Entered: 06/10/2025)
06/10/2025	156	MOTION to Take Deposition from James Gilman , filed by Defendant DANIEL BEDWELL. (Attachments: # 1 Text of Proposed Order)(Tutwiler, Georgianna) (Entered: 06/10/2025)
06/12/2025	157	NOTICE of Service of Responses to Plaintiff's First Set of Requests for Admission, filed by Defendant EMILY ENRIQUEZ, re 149 Request for Admissions. (Flint, Jaclyn) (Entered: 06/12/2025)

06/18/2025	158	ORDER granting 156 Motion to Take Deposition from JAMES GILMAN - SEE ORDER. Signed by District Judge Matthew P. Brookman on 6/18/2025. (JRB) (Entered: 06/20/2025)
06/23/2025	159	NOTICE of Appearance by Hannah Kay Brady on behalf of Defendant DANIEL BEDWELL. (Brady, Hannah) (Entered: 06/23/2025)
06/27/2025	160	ORDER granting in part and denying in part 141 Motion - Before the Court is Plaintiff's Motion for Subpoena Deuce Tecum for Discovery from Centurion Health Services, Dkt. 141 . For the following reasons, Plaintiff's Motion, Dkt. 141 , is GRANTED in part and DENIED in part. The Clerk is directed to enclose one endorsed, but otherwise blank, document subpoena with Plaintiff's copy of this Order. (See Order.). (AJG) (Additional attachment(s) added on 6/30/2025: # 1 Subpoena) (AJG). (Entered: 06/30/2025)
07/03/2025	161	NOTICE of Service of Expert Witness Disclosures, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS (Flint, Jaclyn) (Entered: 07/03/2025)
07/10/2025	163	MINUTE ORDER for Telephonic Status Conference held before Magistrate Judge M. Kendra Klump on 7/9/2025. Telephonic Status Conference set for 12/11/2025 at 2:00 PM (Eastern Time) before Magistrate Judge M. Kendra Klump. See Minute Order for further information and deadlines. Signed by Magistrate Judge M. Kendra Klump. (BAS) (Entered: 07/15/2025)
07/10/2025	165	ORDER to Make Inmate Available - via Telephone. Warden of Wabash Valley Correctional Facility ordered to make James Gilman Available - via Telephone for court proceeding on 12/11/2025 at 2:00 PM. Signed by Magistrate Judge M. Kendra Klump on 7/10/2025.(BAS) (Entered: 07/15/2025)
07/14/2025	162	NOTICE of Compliance with Court's Order on Plaintiff's Motion for Subpoena Deuce Tecum for Discovery from Non-Party Centurion, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, re 160 Order on Motion. (Flint, Jaclyn) (Entered: 07/14/2025)
07/16/2025	166	MOTION to Compel, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit) (BAA) (Entered: 07/16/2025)
07/21/2025	167	ORDER - 166 Motion to Compel is DENIED without prejudice. See Order for details. Signed by Magistrate Judge M. Kendra Klump on 7/21/2025. (LBT) (Entered: 07/22/2025)
07/23/2025	168	MOTION for Production of Centurion Policies and Procedures, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit)(JRB) (Entered: 07/23/2025)
08/04/2025	169	NOTICE Regarding Settlement Conference, filed by Defendant DANIEL BEDWELL (Tutwiler, Georgianna) (Entered: 08/04/2025)
08/04/2025	170	NOTICE Regarding Settlement Conference, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS (Flint, Jaclyn) (Entered: 08/04/2025)
08/06/2025	171	ENTRY AND NOTICE REGARDING SETTLEMENT DEMAND - On August 1, 2025, the Court received Plaintiff's Settlement Demand. Because Plaintiff's demand and Defendants' response are to be served on the opposing party and not filed with the

		Court, (see Dkt. 112 at 3), the Court sent Plaintiff's Settlement Demand to defense counsel via e-mail on August 6, 2025. Signed by Magistrate Judge M. Kendra Klump on 08/06/2025. (AJG) (Entered: 08/06/2025)
08/06/2025	172	RESPONSE in Opposition re 168 MOTION , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 08/06/2025)
08/13/2025	173	Second MOTION to Compel, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit)(JRB) (Entered: 08/13/2025)
08/18/2025	174	REPLY in Support of Motion re 168 MOTION, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit Various Documents) (CKM) (Entered: 08/18/2025)
09/15/2025	175	Entry Addressing Motion to Compel - The clerk is directed to add the Indiana Department of Correction ("IDOC") as an interested party to the case for purposes of resolving Plaintiff's motion to compel. The clerk is also directed to send a copy of this Order and Plaintiff's motion and attachments, Dkts. 173 and [173-1], to Attorney Bugher at the address in the Distribution below. Attorney Bugher or other counsel for the IDOC may enter an appearance and respond to the motion to compel within 21 days of the date of this Order. Failure to do so may result in the motion being granted as unopposed. Plaintiff's Motion to Compel, Dkt. 173 , remains pending. Signed by Magistrate Judge M. Kendra Klump on 9/15/2025. Copy to Counsel per order. (Attachments: # 1 Dkt. 173)(AAS) (Entered: 09/15/2025)
09/15/2025	176	ORDER - Before the Court is Plaintiff's Motion for Production of Centurion Policies and Procedures, Dkt. 168 . The motion to compel is DENIED without prejudice as to the Clinical Guidelines document. It is improper to raise a new argument in a reply. Plaintiff's motion to compel, Dkt. 168 , is GRANTED in part and DENIED in part. The Medical Defendants are ORDERED to (1) serve Plaintiff with copies of the policies specified above; and (2) file a notice with the Court confirming they have done the same within 14 days of the date of this Order. Signed by Magistrate Judge M. Kendra Klump on 9/15/2025. (See Order.) (BAA) (Entered: 09/15/2025)
09/19/2025	177	NOTICE to Clerk, filed by Plaintiff JAMES GILMAN (SAM) (Entered: 09/19/2025)
09/19/2025	178	MOTION for Leave to Proceed in forma pauperis with Trust Account Statement, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Trust Account Statement)(SAM) (Entered: 09/19/2025)
09/19/2025	179	MOTION to Appoint Counsel, filed by Plaintiff JAMES GILMAN. (SAM) (Entered: 09/19/2025)
09/19/2025	180	MOTION for Evidentiary Hearing, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit) (BAA) (Entered: 09/19/2025)
09/19/2025	181	MOTION for Extension of Time of All Case Deadlines, filed by Plaintiff JAMES GILMAN. (Attachments: # 1 Exhibit) (BAA) (Entered: 09/19/2025)
09/26/2025	182	ORDER - 181 Motion for Extension of Time is GRANTED in part. Dispositive Motions due by 11/7/2025. Discovery due by 10/7/2025. The Court takes under ADVISEMENT the remainder of Plaintiff's motion, Dkt. 181 . The Court will issue a separate order addressing the remaining portions of the motion. Signed by Magistrate Judge M. Kendra Klump on 9/26/2025.(LBT) (Entered: 09/26/2025)

09/29/2025	183	NOTICE of Compliance with the Court's Order on Plaintiff's Motion for Production of Centurion Policies and Procedures, filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS, re 176 Order on Motion. (Flint, Jaclyn) (Entered: 09/29/2025)
10/03/2025	184	RESPONSE in Opposition re 181 MOTION for Extension of Time to, 180 MOTION , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Attachments: # 1 Exhibit, # 2 Exhibit)(Flint, Jaclyn) (Entered: 10/03/2025)
10/03/2025	185	Witness List Preliminary, filed by Defendant DANIEL BEDWELL. (Tutwiler, Georgianna) (Entered: 10/03/2025)
10/03/2025	186	Witness List , filed by Defendants SAMUEL BYRD, EMILY ENRIQUEZ, KAYLA KELLUMS, LEANN MURRY, CHELSEA PEARSON, BARBARA RIGGS. (Flint, Jaclyn) (Entered: 10/03/2025)
10/07/2025	187	ORDER - Granting Leave to Proceed In Forma Pauperis and Motion for Counsel; The Court GRANTS the motion to proceed in forma pauperis, dkt. 178 , to the extent it demonstrates that Mr. Gilman is unable to afford counsel for purposes of 28 U.S.C. § 1915(e)(1). The Court also GRANTS the motion for recruitment of counsel.1 Dkt. 179 . The Court will attempt to recruit counsel for Mr. Gilman through final judgment. In light of the Court now granting Mr. Gilman's motion for counsel, his motions at dkts. 173 , 180 , and 181 are DENIED without prejudice, subject to renewal by recruited counsel if they deem it necessary. At this time, and due to the age of this case, the current case management deadlines as reflected in docket 182 will remain in effect, subject to revision if deemed necessary after counsel is recruited. The Magistrate Judge is requested to schedule a telephonic status conference in this case after counsel is recruited for Mr. Gilman. Signed by District Judge Matthew P. Brookman on 10/7/2025. (CKM) (Entered: 10/07/2025)

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