

***** PUBLIC DOCKET *******U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:22-cv-00113-JRS-MJD**

PATTERSON v. WEXFORD HEALTH CARE SERVICES et al
Assigned to: Judge James R. Sweeney II
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/28/2022
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**DEAUNDR A PATTERSON**

represented by **DEAUNDR A PATTERSON**
197951
WABASH VALLEY - CF
WABASH VALLEY CORRECTIONAL
FACILITY - Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838
PRO SE

V.

Defendant**M. MITCHEFF**
Dr.

represented by **Douglass R. Bitner**
Stoll Keenon Ogden PLLC
The Emelie Building
334 N Senate Avenue
Indianapolis, IN 46204
317-464-1100
Fax: 317-464-1111
Email: doug.bitner@skofirm.com
ATTORNEY TO BE NOTICED

Defendant**SAM BYRD**
Dr.

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

Defendant**N. RIJOLI**
Dr.

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

Defendant**POWERS**
Nurse

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

Date Filed	#	Docket Text
03/28/2022	1	CONSENT to Prisoner E-Service by DEAUNDR A PATTERSON located at WVCF. Pursuant to General Order 2013-1, documents submitted by DEAUNDR A PATTERSON 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. (TPS) (Entered: 03/28/2022)
03/28/2022	2	COMPLAINT against BREE, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, C. ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF, filed by DEAUNDR A PATTERSON. (No fee paid with this filing) (Attachments: # 1 Exhibit) (TPS) (Entered: 03/28/2022)
03/28/2022	3	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff DEAUNDR A PATTERSON. (Attachments: # 1 Exhibit)(TPS) (Entered: 03/28/2022)
03/28/2022	4	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (TPS) (Entered: 03/28/2022)
03/29/2022	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. (MEH) (Entered: 03/29/2022)
04/04/2022	6	Order on Motion to Proceed In Forma Pauperis - granting 3 Motion for Leave to Proceed in forma pauperis to the extent that the plaintiff is assessed an initial partial filing fee of Forty-Five Dollars and Ninety-Three Cents. The plaintiff shall have through May 2, 2022, in which to pay this sum to the clerk of the district court. See Order. Signed by Judge James R. Sweeney II on 4/4/2022. (KAA) (Entered: 04/04/2022)
04/04/2022	7	CONSENT to Jurisdiction to US Magistrate Judge by DEAUNDR A PATTERSON. (TPS) (Entered: 04/05/2022)
04/11/2022	8	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff DEAUNDR A PATTERSON. (Attachments: # 1 Exhibit)(JRB) (Entered: 04/11/2022)
04/22/2022	9	ORDER on In Forma Pauperis Status - The Court therefore finds that Plaintiff does not have the assets or means to pay the initial partial filing fee originally assessed and 8 Motion for Leave to Proceed in forma pauperis is GRANTED. Although Plaintiff is excused from pre-paying the full filing fee, he still must pay the three hundred and fifty (\$350.00) filing fee pursuant to the statutory formula set forth in 28 U.S.C. § 1915(b)(2) when able. See Order for details. Signed by Judge James R. Sweeney II on 4/22/2022. (LBT) (Entered: 04/22/2022)
06/06/2022	10	ORDER Screening Complaint and Directing Further Proceedings - Mr. Patterson's claim that he was denied care for his restrictive lung disease shall proceed against Dr. M. Mitcheff, Dr. Sam Byrd, Kim Hobson, Nurse L. Wolfe, Nurse C. Roberts, Dr. N. Rijoli, Nurse Powers, and Nurse Auler under the Eighth Amendment. His claim that he was denied treatment for GERD shall proceed against Dr. Byrd, Nurse Bree, Nurse Wolfe, Dr. Rijoli, and Dr. Mitcheff under the Eighth amendment. And his claim that he was denied treatment for the particle in his eye shall proceed against Nurse Wolfe under the Eighth Amendment. Finally, these claims shall proceed against Wexford as claims that the alleged denials of care resulted from a policy, custom, or practice on Wexford's part. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the

		Court, he shall have through July 8, 2022, in which to identify those claims. The clerk is directed to issue process to the defendants in the manner specified by Rule 4(d). Process shall 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 Order. The clerk is directed to serve Wexford of Indiana, LLC, electronically. Signed by Judge James R. Sweeney II on 6/6/2022.(TPS) (Entered: 06/06/2022)
06/06/2022	11	NOTICE of Lawsuit & Waiver Issued by Clerk upon 1) Wexford of Indiana, LLC; 2) Dr. M. Mitcheff; 3) Dr. Sam Byrd; 4) Kim Hobson; 5)L. Wolfe; 6) C. Roberts; 7) Dr. N. Rijoli; 8) Nurse Powers; 9) Nurse Bree; 10) Nurse Auler. (TPS) (Entered: 06/06/2022)
06/06/2022	12	Documents to be Sent via Electronic Notice - re 2 Complaint, 10 Order, 11 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to Wexford. (TPS) (Entered: 06/06/2022)
06/20/2022	13	MOTION to Identify Claims, filed by Plaintiff DEAUNDRRA PATTERSON. (AAS) (Entered: 06/21/2022)
07/13/2022	14	ORDER AGAIN DIRECTING ISSUANCE OF SERVICE - Notice of Lawsuit and Request to Waive Service of Summons forms sent to the defendants have not been returned. Accordingly, the clerk is again directed to issue process to the defendants. Process shall consist of the complaint, dkt. 2 , the Order of June 6, 2022, dkt. 10 , applicable forms (Notice of Lawsuit and Request for Wavier of Service of Summons and Waiver of Service of Summons), and this Order. Distributed pursuant to distribution list. Signed by Magistrate Judge Mark J. Dinsmore on 7/13/2022.(KAA) (Entered: 07/14/2022)
07/14/2022	15	NOTICE of Lawsuit & Waiver Issued by Clerk upon: 1) Dr. M. Mitcheff; 2) Dr. Sam Byrd; 3) Kim Hobson; 4) Nurse Wolfe; 5) Nurse C. Roberts; 6) Dr. N Rijoli; 7) Nurse Powers; 8) Nurse Auler; 9) Nurse Bree. (KAA) (Entered: 07/14/2022)
07/14/2022	16	Documents to be Sent via Electronic Notice - re 15 NOTICE of Lawsuit & Waiver Issued by Clerk, 14 Order, 2 Complaint, 10 Order Electronic Notice to Wexford. (KAA) (Entered: 07/14/2022)
07/18/2022	17	WAIVER OF SERVICE Returned Executed, filed by WEXFORD HEALTH CARE SERVICES. WEXFORD HEALTH CARE SERVICES waiver sent on 7/14/2022. (Bitner, Douglass) (Entered: 07/18/2022)
07/18/2022	18	WAIVER OF SERVICE Returned Executed, filed by L. WOLF, M. MITCHEFF, AULER, POWERS, N. RIJOLI, SAM BYRD, KIM HOBSON. L. WOLF waiver sent on 7/14/2022; M. MITCHEFF waiver sent on 7/14/2022; AULER waiver sent on 7/14/2022; POWERS waiver sent on 7/14/2022; N. RIJOLI waiver sent on 7/14/2022; SAM BYRD waiver sent on 7/14/2022; KIM HOBSON waiver sent on 7/14/2022. (Johnson, Rachel) (Entered: 07/18/2022)
07/18/2022	19	**PLEASE DISREGARD - DOCKETED IN ERROR PER COUNSEL** NOTICE of Appearance by Rachel D. Johnson on behalf of Defendants AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Johnson, Rachel) Modified on 7/18/2022 (KAA). (Entered: 07/18/2022)
07/18/2022	20	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendants AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Johnson, Rachel) (Entered: 07/18/2022)
07/18/2022	21	Corporate Disclosure Statement by WEXFORD HEALTH CARE SERVICES identifying Corporate Parent THE BANTRY GROUP CORPORATION for WEXFORD HEALTH CARE SERVICES.. (Johnson, Rachel) (Entered: 07/18/2022)

07/18/2022	22	ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, WEXFORD HEALTH CARE SERVICES, L. WOLF.(Johnson, Rachel) (Entered: 07/18/2022)
07/18/2022	24	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendants AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Bitner, Douglass) (Entered: 07/18/2022)
07/19/2022	25	ORDER DIRECTING ISSUANCE OF SERVICE - As directed in the Order Screening Complaint and Directing Further Proceedings, the defendants have provided the last known addresses for defendants Cora Roberts and Brianna Batchelor ex parte. The clerk shall amend the docket to identify defendant C. Roberts as Cora Roberts and defendant Bree as Brianna Batchelor. In addition, the clerk is directed to issue process to these defendants at the addresses provided. Process shall consist of the complaint, the Order of June 6, 2022, dk. 10 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order. Signed by Magistrate Judge Mark J. Dinsmore on 7/19/2022.(TPS) (Entered: 07/19/2022)
07/19/2022	26	NOTICE of Lawsuit & Waiver Issued by Clerk upon 1) Cora Roberts; 2) Brianna Batchelor. (TPS) (Entered: 07/19/2022)
07/19/2022	28	ORDER granting 13 Motion to Identify Claims to the extent that the Court's screening order is clarified to include an Eighth Amendment claim based failure to properly treat his asthma against Nurse Wolfe, Nurse Powers, Dr. Byrd, Dr. Mitcheff, Dr. Rijoli, Wexford, Nurse Auler, and Ms. Hobson. These defendants have already waived service of a summons and shall answer Mr. Patterson's complaint as required. Signed by Judge James R. Sweeney II on 7/19/2022. (TPS) (Entered: 07/19/2022)
07/22/2022	29	MOTION for Issuance of Subpoena, filed by Plaintiff DEAUNDR A PATTERSON. (Attachments: # 1 Attachment)(TPS) (Entered: 07/22/2022)
07/25/2022	30	WAIVER OF SERVICE Returned Executed, filed by CORA ROBERTS. CORA ROBERTS waiver sent on 7/19/2022. (KAA) (Entered: 07/26/2022)
07/28/2022	31	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant CORA ROBERTS. (Bitner, Douglass) (Entered: 07/28/2022)
07/28/2022	32	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant CORA ROBERTS. (Johnson, Rachel) (Entered: 07/28/2022)
07/28/2022	33	ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by CORA ROBERTS.(Johnson, Rachel) (Entered: 07/28/2022)
08/09/2022	34	ORDER DENYING 29 MOTION FOR ISSUANCE OF SUMMONS: Plaintiff DeAundra Patterson's request that the Court issue a summons to defendants Cora Roberts and Brianna Batchelor, dkt. 29 , is DENIED WITHOUT PREJUDICE because defendant Roberts has appeared by counsel and answered the complaint, and the time for defendant Batchelor to respond to the Notice of Lawsuit and Request to Waive Service of a Summons sent to her last known addresses has not yet expired. See Order. Signed by Magistrate Judge Mark J. Dinsmore on 08-09-2022. (LF) (Entered: 08/09/2022)
09/19/2022	35	ORDER DIRECTING ISSUANCE AND SERVICE OF SUMMONS - In an effort to conserve resources, the court attempted to utilize the waiver of service provisions. That process has been unsuccessful as to Briana Batchelor. The Clerk is directed to issue process to this defendant. Process shall consist of a summons. The Marshal for this District or his Deputy shall serve the summons, together with a copy of the complaint, dkt. 2 , a copy of the Order of June 6, 2022, dkt. 10 , and a copy of this Order, on the defendant, at

		the expense of the United States. Service may be made by certified mail. Signed by Magistrate Judge Mark J. Dinsmore on 9/19/2022.(KAA) (Entered: 09/19/2022)
09/19/2022	36	Summons Issued as to BRIANNA BATCHELOR. (Attachments: # 1 USM 285 Form Redacted)(KAA) (Entered: 09/19/2022)
09/19/2022	37	Documents for service by USM - re 36 Summons Issued (285 redacted, UNREDACTED 285 provided to USM via email), 35 Order, 2 Complaint. Electronic notice to USM-C. (KAA) (Entered: 09/19/2022)
09/19/2022	38	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 6/9/2023. Discovery due by 5/12/2023. Signed by Magistrate Judge Mark J. Dinsmore on 9/19/2022.(KAA) (Entered: 09/19/2022)
10/11/2022	40	MOTION for Entry of Default Judgment as to Brianna Bachelor, filed by Plaintiff DEAUNDR A PATTERSON. (Attachments: # 1 Exhibit)(KAA) (Entered: 10/11/2022)
10/12/2022	41	WAIVER OF SERVICE Returned Executed, filed by BRIANNA BATCHELOR. BRIANNA BATCHELOR waiver sent on 7/19/2022. (Johnson, Rachel) (Entered: 10/12/2022)
10/12/2022	42	**PLEASE DISREGARD - CORRECTED AT 43 ** NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant BRIANNA BATCHELOR. (Johnson, Rachel) Modified on 10/12/2022 (KAA). (Entered: 10/12/2022)
10/12/2022	43	NOTICE of Appearance by Rachel D. Johnson on behalf of Defendant BRIANNA BATCHELOR. (Johnson, Rachel) (Entered: 10/12/2022)
10/12/2022	44	NOTICE of Appearance by Douglass R. Bitner on behalf of Defendant BRIANNA BATCHELOR. (Bitner, Douglass) (Entered: 10/12/2022)
10/12/2022	45	ANSWER to 2 Complaint , <i>Jury Demand and Affirmative Defenses</i> , filed by BRIANNA BATCHELOR.(Johnson, Rachel) (Entered: 10/12/2022)
10/13/2022	46	ORDER denying 40 Motion for Default. While it is unclear from the docket when the summons was served on Defendant Batchelor, she has since appeared and answered. Accordingly, Mr. Patterson has not shown that Ms. Batchelor is in default and his motion, dkt. 40 , is denied. Signed by Judge James R. Sweeney II on 10/13/2022. (TPS) (Entered: 10/13/2022)
10/17/2022	47	ORDER - Defendant Brianna Batchelor has appeared and answered the complaint. The action shall proceed as directed pursuant to the Court's Order Setting Pretrial Schedule dated September 19, 2022 [Dkt. 38], as to the claims against her except that Ms. Batchelor shall have through October 31, 2022, to provide her initial disclosures. Signed by Magistrate Judge Mark J. Dinsmore on 10/17/2022.(TPS) (Entered: 10/18/2022)
10/19/2022	48	NOTICE of Service of Initial Disclosures, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Johnson, Rachel) (Entered: 10/19/2022)
10/31/2022	49	NOTICE of Compliance of Service of Settlement Demand, filed by Plaintiff DEAUNDR A PATTERSON (JRB) (Entered: 10/31/2022)

10/31/2022	50	NOTICE of Compliance of Initial Disclosures, filed by Plaintiff DEAUNDRA PATTERSON (JRB) (Entered: 10/31/2022)
11/09/2022	51	NOTICE of Service of Responses to Plaintiff's Request for Admissions, filed by Defendants AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Bitner, Douglass) (Entered: 11/09/2022)
11/09/2022	52	Submission of Signature Requirement re 51 Notice (Other) by AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Johnson, Rachel) (Entered: 11/09/2022)
11/11/2022	53	NOTICE of Service of Responses to Plaintiff's Request for Production, filed by Defendants AULER, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Johnson, Rachel) (Entered: 11/11/2022)
11/14/2022	54	NOTICE of Receipt of Initial Disclosures, filed by Plaintiff DEAUNDRA PATTERSON (JRB) (Entered: 11/14/2022)
11/18/2022	55	NOTICE of Service of Responses to Plaintiff's First Set of Interrogatories, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Johnson, Rachel) (Entered: 11/18/2022)
11/18/2022	56	NOTICE of Service of Responses to Plaintiff's Second Set of Interrogatories, filed by Defendants SAM BYRD, M. MITCHEFF (Johnson, Rachel) (Entered: 11/18/2022)
01/18/2023	57	MOTION to Take Deposition from DeAundra Patterson , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Notice of Deposition, # 2 Text of Proposed Order)(Johnson, Rachel) (Entered: 01/18/2023)
01/26/2023	58	ORDER granting 57 Motion for Leave to Take Deposition from DEAUNDRA PATTERSON. Signed by Magistrate Judge Mark J. Dinsmore on 1/26/2023. (KAA) (Entered: 01/26/2023)
01/27/2023	59	NOTICE of Service of Responses to Plaintiff's Request for Admissions, filed by Defendant BRIANNA BATCHELOR (Johnson, Rachel) (Entered: 01/27/2023)
02/15/2023	60	NOTICE of Substitution of Appearance by Sarah Jean Shores-Scisney replacing Rachel D. Johnson on behalf of AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Shores-Scisney, Sarah) (Entered: 02/15/2023)
03/02/2023	61	NOTICE of Service of Expert Disclosures, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF (Shores-Scisney, Sarah) (Entered: 03/02/2023)
04/12/2023	62	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Petitioner. (Attachments: # 1 public docket sheet) (JDC) (Entered: 04/12/2023)
05/17/2023	63	MOTION for Permission to file extended Summary Judgment Motion and Brief, filed by Plaintiff DEAUNDRA PATTERSON. (JDC) (Entered: 05/17/2023)
05/22/2023	64	ORDER GRANTING IN PART MOTION FOR PERMISSION - The plaintiff's motion for permission, dkt. 63 , in which he requests leave to file an oversized brief in support of a

		motion for summary judgment or response to the motion for summary judgment he anticipates the defendants to file, is GRANTED to the extent that the plaintiff's motion for summary judgment or brief in opposition to the defendants' motion for summary judgment shall not exceed 45 pages. Signed by Magistrate Judge Mark J. Dinsmore on 5/22/2023. (JSR) (Entered: 05/23/2023)
06/05/2023	65	MOTION for Extension of Time to July 10, 2023 to Complete and File Dispositive Motions, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Text of Proposed Order) (Shores-Scisney, Sarah) (Entered: 06/05/2023)
06/20/2023	66	ORDER - This matter is before the Court on Defendants' Motion for an Extension of Time. [Dkt. 65 .] The Court, being duly advised, hereby GRANTS the motion. Paragraph I(G) of the Court's Order Setting Pretrial Schedule [Dkt. 38 at 4] is hereby amended as follows: F. Motions for Summary Judgment: On or before July 10, 2023. (See Order.) Signed by Magistrate Judge Mark J. Dinsmore on 6/20/2023. (JSR) (Entered: 06/20/2023)
07/10/2023	67	Second MOTION for Extension of Time to July 17, 2023 to Complete and File Dispositive Motion, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Text of Proposed Order) (Shores-Scisney, Sarah) (Entered: 07/10/2023)
07/17/2023	68	MOTION for Summary Judgment , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Text of Proposed Order)(Shores-Scisney, Sarah) (Entered: 07/17/2023)
07/17/2023	69	BRIEF/MEMORANDUM in Support re 68 MOTION for Summary Judgment , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Shores-Scisney, Sarah) (Entered: 07/17/2023)
07/17/2023	70	Designation of Evidence re 69 Brief/Memorandum in Support , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Exhibit A - Medical Records (Redacted), # 2 Exhibit B - Affidavit of Samuel J. Byrd, M.D., # 3 Exhibit C - Affidavit of Naveen Rajoli, M.D., # 4 Exhibit D - Affidavit of Michael A. Mitcheff, DO, # 5 Exhibit E - Affidavit of Lesa Wolfe, LPN (Executed), # 6 Exhibit F - Affidavit of Theresa Bradley (Auler), RN (Executed), # 7 Exhibit G - Affidavit of Cora Roberts, CNA, # 8 Exhibit H - Affidavit of Briana Batchelor, NA (Executed), # 9 Exhibit I - Affidavit of Tara Powers, LPN (Executed), # 10 Exhibit J - HSA Job Description, # 11 Exhibit K - Plf's Grievance Records)(Shores-Scisney, Sarah) (Entered: 07/17/2023)
07/17/2023	71	NOTICE of Right to Reply, filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF, re 68 MOTION for Summary Judgment . (Shores-Scisney, Sarah) (Entered: 07/17/2023)
07/17/2023	72	ORDER granting 67 Motion for Extension of Time to File Dispositive Motions by 7/17/2023. SEE ORDER. Signed by Magistrate Judge Mark J. Dinsmore on 7/17/2023. (JRB) (Entered: 07/18/2023)
08/08/2023	73	MOTION for Extension of Time, filed by Plaintiff DEAUNDRA PATTERSON. (AAS) (Entered: 08/08/2023)

08/22/2023	74	ORDER GRANTING MOTION FOR EXTENSION OF TIME: The plaintiff's motion for an extension of time, dkt. 73 , is GRANTED. He shall have through September 14, 2023, to file a response to the motion for summary judgment. See Order. Signed by Magistrate Judge Mark J. Dinsmore on 8/22/2023. (LF) (Entered: 08/22/2023)
09/11/2023	75	MOTION for Extension of Time to 10/14/2023 to File Memorandum Brief in Opposition re 68 MOTION for Summary Judgment, filed by Plaintiff DEAUNDRA PATTERSON. (JSR) (Entered: 09/11/2023)
09/13/2023	76	MOTION to Withdraw Attorney Appearance of <i>Sarah J. Shores-Scisney</i> , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Attachments: # 1 Text of Proposed Order)(Shores-Scisney, Sarah) (Entered: 09/13/2023)
09/25/2023	77	ORDER granting 75 MOTION for Extension of Time to File Response to 68 MOTION for Summary Judgment , to 10/16/2023. Signed by Magistrate Judge Mark J. Dinsmore on 9/25/2023. (JRB) (Entered: 09/26/2023)
09/29/2023	78	ORDER - This matter is before the Court on the Motion to Withdraw Appearance of Sarah J. Shores-Scisney. [Dkt. 76 .] The motion is GRANTED. The appearance of Ms. Shores-Scisney as counsel for Defendants is WITHDRAWN and TERMINATED. Signed by Magistrate Judge Mark J. Dinsmore on 9/29/2023. (CW) (Entered: 09/29/2023)
10/12/2023	79	MOTION for Leave to File Extended Reply to 68 Motion for Summary Judgment, filed by Plaintiff DEAUNDRA PATTERSON. (Attachments: # 1 Exhibits Part 1, # 2 Exhibits Part 2, # 3 Exhibits Part 3) (JSR) (Entered: 10/12/2023)
10/30/2023	80	ORDER DENYING IN PART AND GRANTING IN PART MOTION TO FILE EXTENDED REPLY - The motion for leave to file extended reply, dkt. 79 , is DENIED to the extent Mr. Patterson asks to have the Court consider his 102-page brief. The motion is GRANTED to the extent that he may file a brief that does not exceed 45 pages. He will have through November 30, 2023 to do so. See order. Signed by Magistrate Judge Mark J. Dinsmore on 10/30/2023. (KAA) (Entered: 10/30/2023)
11/20/2023	81	RESPONSE in Opposition re 68 MOTION for Summary Judgment , filed by Plaintiff DEAUNDRA PATTERSON. (LF) (Entered: 11/21/2023)
11/20/2023	82	Designation of Evidence in Support re 81 Response in Opposition to Motion, filed by Plaintiff DEAUNDRA PATTERSON. (LF) (Entered: 11/21/2023)
12/05/2023	83	REPLY in Support of Motion re 68 MOTION for Summary Judgment , filed by Defendants AULER, BRIANNA BATCHELOR, SAM BYRD, KIM HOBSON, M. MITCHEFF, POWERS, N. RIJOLI, CORA ROBERTS, WEXFORD HEALTH CARE SERVICES, L. WOLF. (Bitner, Douglass) (Entered: 12/05/2023)
01/08/2024	84	SURREPLY to 83 REPLY in Support of Motion re 68 MOTION for Summary Judgment, filed by Plaintiff DEAUNDRA PATTERSON. (TPS) (Entered: 01/08/2024)
03/08/2024	85	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT: The defendants' motion for summary judgment, dkt. 68 is granted in part and denied in part. The motion is GRANTED as to Mr. Patterson's claims against Wexford, Ms. Hobson, Ms. Wolfe, Ms. Roberts, Ms. Batchelor, and Ms. Auler (Bradley). The clerk shall terminate these defendants on the docket. The motion is also GRANTED as to Mr. Patterson's claims that Dr. Byrd, Dr. Rajoli, and Dr. Mitcheff exhibited deliberate indifference to his need for GERD treatment. These claims are dismissed. The motion is DENIED as to Mr. Patterson's claims that Drs. Byrd, Rajoli, and Mitcheff were deliberately indifferent to his need for treatment of his lung conditions.

		These claims shall proceed to a settlement conference or trial if one is necessary. The clerk shall include a form motion for assistance with recruiting counsel with Mr. Patterson's copy of this Order. If Mr. Patterson wishes to ask the Court to recruit counsel to represent him, he should fill out this form and return it by March 31, 2024. See order. Signed by Judge James R. Sweeney II on 3/8/2024. (Attachments: # 1 Blank Form Motion for Counsel) (LF) (Entered: 03/08/2024)
03/12/2024	86	SCHEDULING ORDER: Jury Trial set for 3/17/2025 09:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Judge James R. Sweeney II. Final Pretrial Conference set for 2/27/2025 09:00 AM (Eastern Time) in room #131, United States Courthouse, 921 Ohio Street, Terre Haute, Indiana before Judge James R. Sweeney II. Signed by Judge James R. Sweeney II on 3/12/2024.(SWM) (Entered: 03/13/2024)
03/15/2024	87	MOTION to Appoint Counsel, filed by Plaintiff DEAUNDRA PATTERSON. (LF) (Entered: 03/18/2024)
03/21/2024	88	ORDER - The plaintiff's motion to appoint counsel, dkt. [87], is granted to the extent that the Court will seek to recruit counsel to represent him. He will be notified when this step has been taken. Signed by Judge James R. Sweeney II on 3/21/2024. (SWM) (Entered: 03/22/2024)

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