

CASREF,CLOSED,COMPLEX,CONFD,PRISNR,PROTO,REFER,SETOFF,SETOFFS

**United States District Court**  
**Middle District of Pennsylvania (Scranton)**  
**CIVIL DOCKET FOR CASE #: 3:15-cv-00005-CCC**

Hollihan v. Pennsylvania Department of Corrections et al  
Assigned to: Chief Judge Christopher C. Conner  
Referred to: Magistrate Judge Martin C. Carlson (Settlement)  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/02/2015  
Date Terminated: 02/08/2017  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Richard Hollihan**

represented by **David Rudovsky**  
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V.

**Defendant**

**Pennsylvania Department of  
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**Defendant**

**John Wetzel**  
*Secretary of the Pennsylvania  
Department of Corrections*

represented by **Caleb Curtis Enerson**  
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**Jessica S. Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

represented by

**Bryan Hyde**  
*Correctional Health Care Administrator*

**Caleb Curtis Enerson**  
(See above for address)  
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**Jessica S. Davis**  
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**Defendant**

**Dr. Rashida Mahmud**

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**Defendant**

**Dr. John Robinson**

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*ATTORNEY TO BE NOTICED*

**Michael C Hamilton**  
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*ATTORNEY TO BE NOTICED*

**Paula A. Koczan**  
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*ATTORNEY TO BE NOTICED*

**Samuel H. Foreman**  
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**Defendant****Wexford Health Sources, Inc.**represented by **David J. Rosenberg**  
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*ATTORNEY TO BE NOTICED***Michael C Hamilton**  
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*ATTORNEY TO BE NOTICED***Paula A. Koczan**  
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*ATTORNEY TO BE NOTICED***Samuel H. Foreman**  
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*ATTORNEY TO BE NOTICED***Defendant****Dr. Donald Kern**represented by **David J. Rosenberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Michael C Hamilton**  
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*ATTORNEY TO BE NOTICED***Paula A. Koczan**  
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*ATTORNEY TO BE NOTICED***Samuel H. Foreman**  
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Date Filed	#	Docket Text
01/02/2015	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$400, Receipt Number 0314-3316013), filed by Richard Hollihan. (Attachments: # <u>1</u> Civil Cover Sheet)(lh) (Entered: 01/08/2015)
01/08/2015		DOCKET ANNOTATION: Sent Petition for Special Admission and ECF Registration form to Eric Wolfish. (lh) (Entered: 01/08/2015)
01/08/2015	<u>2</u>	MOTION to Certify Class by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 01/08/2015)
01/09/2015		SPECIAL ADMISSION FORM and ECF REGISTRATION SENT to Attorney Eric Wolfish. (ch1) (Entered: 01/09/2015)
01/13/2015		DOCKET ANNOTATION: Case assigned to Judge Conner. (kc) (Entered: 01/13/2015)
01/22/2015	<u>3</u>	BRIEF IN SUPPORT re <u>2</u> MOTION to Certify Class filed by Richard Hollihan.(Schmidt, Thomas) (Entered: 01/22/2015)
01/28/2015	<u>4</u>	NOTICE of Appearance by Paula A. Koczan on behalf of Wexford Health Sources, Inc. (Koczan, Paula) (Entered: 01/28/2015)
01/29/2015		SPECIAL ADMISSION FORM emailed to Paula Koczan (lg) (Entered: 01/29/2015)
02/04/2015	<u>5</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Michael C Hamilton on behalf of Wexford Health Sources, Inc. Attorney Michael Hamilton is seeking special admission. Filing fee \$ 50, receipt number 0314-3345595.. (Hamilton, Michael) (Entered: 02/04/2015)

02/04/2015	<u>6</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Paula A. Koczan on behalf of Wexford Health Sources, Inc. Attorney Paula Koczan is seeking special admission. Filing fee \$ 50, receipt number 0314-3345618.. (Koczan, Paula) (Entered: 02/04/2015)
02/04/2015	<u>7</u>	NOTICE of Appearance by Michael C Hamilton on behalf of Wexford Health Sources, Inc. (Hamilton, Michael) (Entered: 02/04/2015)
02/04/2015	<u>8</u>	SPECIAL ADMISSIONS FORM APPROVED as to Michael C. Hamilton (eo) (Entered: 02/04/2015)
02/04/2015	<u>9</u>	SPECIAL ADMISSIONS FORM APPROVED as to Paula A. Koczan (eo) (Entered: 02/04/2015)
02/04/2015		DOCKET ANNOTATION: Michael C. Hamilton is verified as active with the PA state bar. (lh) (Entered: 02/04/2015)
02/04/2015		DOCKET ANNOTATION: Paula Ann Koczan is active with the PA state bar. (lh) (Entered: 02/04/2015)
02/11/2015	<u>10</u>	Summons Issued as to All Defendants and provided TO ATTORNEY ELECTRONICALLY VIA ECF for service on Defendant(s) in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). (Attachments: # <u>1</u> Summons Packet) (pjr) (Entered: 02/11/2015)
02/27/2015	<u>11</u>	NOTICE of Appearance by Jessica S. Davis on behalf of Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel (Davis, Jessica) (Entered: 02/27/2015)
02/27/2015	<u>12</u>	SUMMONS Returned Executed by John Wetzel, Bryan Hyde, Pennsylvania Department of Corrections. John Wetzel served on 1/26/2015, answer due 2/17/2015; Bryan Hyde served on 1/26/2015, answer due 2/17/2015; Pennsylvania Department of Corrections served on 1/26/2015, answer due 2/17/2015. (Davis, Jessica) (Entered: 02/27/2015)
03/10/2015	<u>13</u>	NOTICE of Appearance by Angus R. Love on behalf of Richard Hollihan (Love, Angus) (Entered: 03/10/2015)
03/11/2015	<u>14</u>	NOTICE of Appearance by Alexandra T Morgan-Kurtz on behalf of Richard Hollihan. (Morgan-Kurtz, Alexandra) (Entered: 03/11/2015)
03/17/2015	<u>15</u>	WAIVER OF SERVICE Returned by Richard Hollihan. Wexford Health Sources, Inc. waiver sent on 1/23/2015, answer due 3/24/2015. (Schmidt, Thomas) (Entered: 03/17/2015)
03/17/2015	<u>16</u>	CERTIFICATE of Service by Richard Hollihan re <u>3</u> Brief in Support, <u>2</u> MOTION to Certify Class . (Schmidt, Thomas) (Entered: 03/17/2015)
03/24/2015	<u>17</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Wexford Health Sources, Inc..(Koczan, Paula) (Entered: 03/24/2015)
03/24/2015	<u>18</u>	BRIEF IN SUPPORT re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Wexford Health Sources, Inc..(Koczan, Paula) (Entered: 03/24/2015)
03/27/2015	<u>19</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 03/27/2015)
03/27/2015	<u>20</u>	MOTION for Extension of Time to to file Brief in Opposition to Plaintiff's Motion for Class Certification by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 03/27/2015)
03/30/2015	<u>21</u>	ORDER granting Commonwealth deft' motion for ext of time <u>19</u> to file answer to complaint until 5/4/2015. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 3/30/15. (ki) (Entered: 03/30/2015)
03/30/2015	<u>22</u>	ORDER granting Commonwealth deft' motion for ext of time <u>20</u> to file brief in opp to pltf's motion for class certification until 5/4/15. (See order for complete details.)

		Signed by Chief Judge Christopher C. Conner on 3/30/15. (ki) (Entered: 03/30/2015)
04/07/2015	<u>23</u>	BRIEF IN OPPOSITION re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Richard Hollihan.(Schmidt, Thomas) (Entered: 04/07/2015)
04/07/2015	<u>24</u>	ATTACHMENT(S) <i>Unpublished Opinions</i> by Richard Hollihan re <u>23</u> Brief in Opposition, filed by Richard Hollihan. Related document: <u>23</u> Brief in Opposition filed by Richard Hollihan.(Schmidt, Thomas) (Entered: 04/07/2015)
04/10/2015	<u>25</u>	NOTICE of Appearance by Michael C Hamilton on behalf of Rashida Mahmud, John Robinson (Hamilton, Michael) (Entered: 04/10/2015)
04/10/2015	<u>26</u>	NOTICE of Appearance by Paula A. Koczan on behalf of Rashida Mahmud, John Robinson (Koczan, Paula) (Entered: 04/10/2015)
04/16/2015	<u>27</u>	BRIEF IN OPPOSITION re <u>2</u> MOTION to Certify Class filed by Rashida Mahmud, John Robinson, Wexford Health Sources, Inc..(Hamilton, Michael) (Entered: 04/16/2015)
04/16/2015	<u>28</u>	MOTION to Dismiss , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Rashida Mahmud, John Robinson. (Attachments: # <u>1</u> Proposed Order)(Hamilton, Michael) (Entered: 04/16/2015)
04/16/2015	<u>29</u>	BRIEF IN SUPPORT re <u>28</u> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Rashida Mahmud, John Robinson.(Hamilton, Michael) (Entered: 04/16/2015)
04/20/2015	<u>30</u>	WAIVER OF SERVICE Returned – Rashida Mahmud waiver sent on 4/15/2015, answer due 6/15/2015. (pjr) (Entered: 04/20/2015)
04/20/2015	<u>31</u>	WAIVER OF SERVICE Returned – John Robinson waiver sent on 4/15/2015, answer due 6/15/2015. (pjr) (Entered: 04/20/2015)
04/30/2015	<u>32</u>	REPLY BRIEF re <u>2</u> MOTION to Certify Class ( <i>PLAINTIFFS REPLY IN SUPPORT OF HIS MOTION FOR CLASS CERTIFICATION</i> ) filed by Richard Hollihan. (Attachments: # <u>1</u> Unpublished Opinions)(Schmidt, Thomas) (Entered: 04/30/2015)
04/30/2015	<u>33</u>	DECLARATION by Richard Hollihan re <u>32</u> Reply Brief ( <i>DECLARATION OF ERIC S. WOLFISH IN SUPPORT OF PLAINTIFFS REPLY IN SUPPORT OF HIS MOTION FOR CLASS CERTIFICATION</i> ). (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D)(Schmidt, Thomas) (Entered: 04/30/2015)
04/30/2015	<u>34</u>	BRIEF IN OPPOSITION re <u>28</u> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Richard Hollihan. (Attachments: # <u>1</u> Unpublished Opinions)(Schmidt, Thomas) (Entered: 04/30/2015)
05/01/2015	<u>35</u>	NOTICE of Appearance by Michael C Hamilton on behalf of Donald Kera (Hamilton, Michael) (Entered: 05/01/2015)
05/01/2015	<u>36</u>	NOTICE of Appearance by Paula A. Koczan on behalf of Donald Kera (Koczan, Paula) (Entered: 05/01/2015)
05/01/2015	<u>37</u>	WAIVER OF SERVICE Returned by Richard Hollihan. Donald Kera waiver sent on 4/17/2015, answer due 6/16/2015. (Schmidt, Thomas) (Entered: 05/01/2015)
05/04/2015		SPECIAL ADMISSION FORM emailed to Attorney Michael C. Hamilton (lg) (Entered: 05/04/2015)
05/04/2015		SPECIAL ADMISSION FORM emailed to Attorney Paula Koczan (lg) (Entered: 05/04/2015)
05/04/2015		DOCKET ANNOTATION: Attorney Hamilton and Attorney Koczan have already been specially admitted in this case; no further paperwork required. (lg) (Entered: 05/04/2015)
05/04/2015	<u>38</u>	SCHEDULING ORDER: Initial Case Management Conference set for 6/17/2015 @ 10:00 AM – placement of the telephone conference call is the responsibility of the plaintiff. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 5/4/15. (ki) (Entered: 05/04/2015)

05/04/2015	<u>39</u>	ANSWER to <u>1</u> Complaint by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B)(Davis, Jessica) (Entered: 05/04/2015)
05/04/2015	<u>40</u>	BRIEF IN OPPOSITION re <u>2</u> MOTION to Certify Class filed by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 05/04/2015)
05/18/2015	<u>41</u>	REPLY by Richard Hollihan. to <u>40</u> Brief in Opposition to <i>Motion for Class Certification</i> . (Attachments: # <u>1</u> Exhibit(s) A – Unpublished Opinions)(Schmidt, Thomas) (Entered: 05/18/2015)
06/03/2015	<u>42</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Donald Kera.(Koczan, Paula) (Entered: 06/03/2015)
06/10/2015	<u>43</u>	CASE MANAGEMENT PLAN by Richard Hollihan. (Attachments: # <u>1</u> Exhibit(s) A–1 Stipulation and Order Regarding Confidentiality, # <u>2</u> Exhibit(s) A–2 Confidentiality Stipulation)(Schmidt, Thomas) (Entered: 06/10/2015)
06/16/2015	<u>44</u>	BRIEF IN SUPPORT <i>SUPPLEMENT</i> re <u>42</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Donald Kera, Rashida Mahmud, John Robinson, Wexford Health Sources, Inc..(Koczan, Paula) (Entered: 06/16/2015)
06/16/2015	<u>45</u>	BRIEF IN OPPOSITION re <u>42</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>SUPPLEMENT</i> filed by Donald Kera, Rashida Mahmud, John Robinson, Wexford Health Sources, Inc..(Koczan, Paula) (Entered: 06/16/2015)
06/17/2015	<u>47</u>	ORDER re: Stipulation <u>43</u> –1 of parties – It is hereby ORDERED that the Stipulation of the parties set forth above is hereby entered as an order of the court. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 6/17/15. (ki) (Entered: 06/17/2015)
06/17/2015	<u>48</u>	CASE MANAGEMENT ORDER (COMPLEX TRACK) – Sets forth case management instructions, guidelines & pretrial/trial schedule, inc. – Fact Discovery due by 3/17/2016; Final Pretrial Conference set for 10/19/2016 @ 10:00 AM in Harrisburg – Jury Room #2; Jury Selection & Jury Trial set for 11/7/2016 @ 09:30 AM in Harrisburg – Courtroom 2 before Chief Judge Christopher C. Conner; Dispositive Motions due by 6/17/2016; Motions in Limine due by 9/8/16; Pretrial Memos due by noon on 10/12/2016. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 6/17/15. (ki) (Entered: 06/17/2015)
06/26/2015	<u>49</u>	ORDER directing deft Dr. Kern to file brief in supp of motion to dismiss <u>42</u> w/in 7 days of date of this order, noting failure to file br in supp may result in court deeming motion to dismiss withdrawn. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 6/26/15. (ki) (Entered: 06/26/2015)
06/26/2015	<u>50</u>	BRIEF IN SUPPORT re <u>42</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Donald Kera.(Hamilton, Michael) (Entered: 06/26/2015)
06/26/2015	<u>51</u>	Letter from Defendants' Counsel – Jessica S. Davis, DAG <i>requesting a teleconference to resolve a dispute</i> . (Davis, Jessica) (Entered: 06/26/2015)
06/29/2015	<u>52</u>	ORDER REFERRING discovery matter re: letter <u>51</u> from cnsl for defts to Magistrate Judge Susan E. Schwab for resolution. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 6/29/15. (ki) (Entered: 06/29/2015)
06/30/2015	<u>53</u>	REPLY BRIEF re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>2</u> MOTION to Certify Class , <u>28</u> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Consolidated Response To Supplemental Briefs</i> filed by Richard Hollihan. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Unpublished Opinion(s))(Schmidt, Thomas) (Entered: 06/30/2015)
07/06/2015	54	VERBAL ORDER: A telephonic conference is scheduled for July 21, 2015, at 1:30 p.m. Plaintiff shall initiate the call by contacting Chambers at (717) 221–3980 once all parties and participants are on the line. In the event that the parties and participants agree that the conference should be rescheduled, we ask that a joint letter be filed on the Docket formally making such a request. In addition, the joint letter shall include a list of several dates and times when all parties and participants are available for conferencing in order to avoid having to reschedule the conference on multiple

		occasions. Ordered by Magistrate Judge Susan E. Schwab on 07/06/15. (ma) (Entered: 07/06/2015)
07/07/2015	<u>55</u>	Letter from Jessica S. Davis, DAG to Hon. Susan E. Schwab re rescheduling of 7/21/15 telephone conference . (Davis, Jessica) (Entered: 07/07/2015)
07/10/2015	<u>56</u>	BRIEF IN OPPOSITION re <u>42</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Richard Hollihan.(Schmidt, Thomas) (Entered: 07/10/2015)
07/14/2015	<u>57</u>	VERBAL ORDER – IT IS ORDERED that on or before July 15, 2015, defense counsel shall file a letter on the Docket providing the Court with a list of dates and times that work for all parties so as to avoid having to reschedule the discovery conference again. Issued by Magistrate Judge Susan E. Schwab on July 14, 2015. (kjm) (Entered: 07/14/2015)
07/15/2015	<u>58</u>	Letter from Jessica S. Davis, DAG to Hon. Susan Schwab re Additonal Dates . (Davis, Jessica) (Entered: 07/15/2015)
07/16/2015	<u>59</u>	VERBAL SCHEDULING ORDER – IT IS ORDERED that the upcoming telephonic discovery conference is RESCHEDULED for July 31, 2015, at 10:00 a.m. Plaintiff shall initiate the call by contacting Chambers at (717) 221–3980 once all parties are on the line. Issued by Magistrate Judge Susan E. Schwab on July 16, 2015. (kjm) (Entered: 07/16/2015)
07/17/2015	<u>60</u>	MOTION for Judgment on the Pleadings by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Proposed Order)(Davis, Jessica) (Entered: 07/17/2015)
07/17/2015	<u>61</u>	MOTION to Stay <i>Discovery</i> by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Proposed Order)(Davis, Jessica) (Entered: 07/17/2015)
07/17/2015	<u>62</u>	BRIEF IN SUPPORT of <i>Commonwealth Defendants' Motion to Stay Discovery</i> re <u>61</u> MOTION to Stay <i>Discovery</i> filed by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 07/17/2015)
07/21/2015	<u>63</u>	ORDER granting defts' motion to stay discovery <u>61</u> , STAYING discovery pending disposition of motion for class certification <u>2</u> & motions <u>17</u> , <u>28</u> , <u>42</u> & <u>60</u> , & noting pretrial & trial schedule shall issue upon resolution of said motions. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 7/21/15. (ki) (Entered: 07/21/2015)
07/31/2015	<u>64</u>	BRIEF IN SUPPORT re <u>60</u> MOTION for Judgment on the Pleadings filed by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Exhibit(s) Exhibit A)(Davis, Jessica) (Entered: 07/31/2015)
08/03/2015	<u>65</u>	ORDER: On or before 8/7/15, the parties shall file letter briefs, citing to any relevant evidence and proper authority, reiterating their positions regarding the pending discovery dispute. Signed by Magistrate Judge Susan E. Schwab on 08/03/15. (ma) (Entered: 08/03/2015)
08/07/2015	<u>67</u>	Letter from Eric S. Wolfish to <i>The Honorable Susan E. Schwab</i> . (Schmidt, Thomas) (Entered: 08/07/2015)
08/07/2015	<u>68</u>	Letter from Jessica S. Davis, DAG to the Honorable Susan E. Schwab re DOC Cataract Policy . (Davis, Jessica) (Entered: 08/07/2015)
08/14/2015	<u>69</u>	Unopposed MOTION for Extension of Time to FILE OPPOSITION TO THE COMMONWEALTH DEFENDANTS MOTION FOR JUDGMENT ON THE PLEADINGS by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 08/14/2015)
08/14/2015	<u>70</u>	ORDER granting pltf's motion for ext of time <u>69</u> to file brief in opp to Comm defts' motion for judgment on the pleadings until 8/21/14 w/ Comm deft's reply due by 9/9/15. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 8/14/15. (ki) (Entered: 08/14/2015)
08/18/2015		VERBAL ORDER – IT IS ORDERED that a telephonic conference is scheduled for August 24, 2015, at 11:00 a.m. Plaintiffs shall initiate the call by contacting Chambers at (717) 221–3980 once all parties and participants are on the line. In the event that



		any party needs to reschedule, a letter shall be filed on the Docket providing us with good cause as to why the conference should be rescheduled in addition to a proposed list of alternative dates and times to which all parties and participants are available. Ordered by Magistrate Judge Susan E. Schwab on 8/18/2015. (ktt) (Entered: 08/18/2015)
08/21/2015	<u>71</u>	BRIEF IN OPPOSITION re <u>60</u> MOTION for Judgment on the Pleadings filed by Richard Hollihan. (Attachments: # <u>1</u> Unpublished Opinion(s))(Schmidt, Thomas) (Entered: 08/21/2015)
08/24/2015	<u>73</u>	ORDER – IT IS ORDERED that the defendants have failed to show good cause for keeping the Department of Corrections policy regarding cataract surgery confidential. The Department of Corrections has not carried its burden of demonstrating that disclosure of this policy will cause a clearly defined and serious injury. SEE ORDER FOR COMPLETE DETAILS. Signed by Magistrate Judge Susan E. Schwab on 8/24/2015. (ktt) (Entered: 08/24/2015)
09/09/2015	<u>74</u>	MOTION for Extension of Time to File Reply Brief in Support of Motion for Judgment on the Pleadings by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 09/09/2015)
09/10/2015	<u>75</u>	ORDER – IT IS ORDERED that Defendants motion for an extension of time <u>74</u> is GRANTED. Defendants shall file a reply brief in support of their motion for judgment on the pleadings on or before September 16, 2015. The reply brief must conform to the requirements of Local Rule 7.8. Signed by Magistrate Judge Susan E. Schwab on 9/10/2015. (ktt) (Entered: 09/10/2015)
09/16/2015	<u>76</u>	REPLY BRIEF re <u>60</u> MOTION for Judgment on the Pleadings filed by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 09/16/2015)
09/17/2015	<u>77</u>	Unreported Decisions to Reply Brief Filed (Doc. 76) by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. <u>76</u> Reply Brief . (Attachments: # <u>1</u> Unpublished Opinion(s))(Davis, Jessica) (Entered: 09/17/2015)
09/18/2015	<u>78</u>	ORDER denying motion for class certification <u>2</u> w/out prejudice, permitting parties to engage in discovery limited to issue of class beginning on date hereof & to be completed by 11/20/15, permitting pltf to file motion for class certification following close of class discovery & on or before 12/15/15, & noting notw/standing directive in Para 2 discovery in matter otherwise remains STAYED pending further order of court. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 9/18/15. (ki) (Entered: 09/18/2015)
09/23/2015	<u>79</u>	MOTION for Extension of Time to Complete Class Discovery by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 09/23/2015)
09/24/2015	<u>80</u>	ORDER granting Commonwealth depts' motion for ext of time <u>79</u> to complete class discovery until 12/21/15 & pltf's deadline to file motion for class certification ext'd to 1/22/16. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 9/24/15. (See order for complete details.) (ki) (Entered: 09/24/2015)
12/22/2015	<u>82</u>	Letter from Jessica S. Davis, DAG to Hon. Christopher C. Conner re Class Discovery . (Davis, Jessica) (Entered: 12/22/2015)
12/23/2015	<u>83</u>	ORDER granting construed motion for ext of time <u>82</u> to file proposed revised class discovery deadlines until 12/28/15. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 12/23/15. (ki) (Entered: 12/23/2015)
12/28/2015	<u>84</u>	MOTION for Extension of Time to File Proposed Order by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel.(Davis, Jessica) (Entered: 12/28/2015)
12/28/2015	<u>85</u>	ORDER granting the mtn for exttm <u>84</u> . The parties shall file a proposed order setting forth revised class discovery deadlines on or before 12/30/15.Signed by Chief Judge Christopher C. Conner on 12/28/15. (ma) (Entered: 12/28/2015)
12/30/2015	<u>86</u>	Proposed Pretrial Order <i>Jointly Submitted for Class Discovery Deadlines</i> by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Davis, Jessica)

		(Entered: 12/30/2015)
01/04/2016	<u>87</u>	ORDER setting schedule for parties to conduct class discovery. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 1/4/16. (ki) (Entered: 01/04/2016)
01/20/2016	<u>88</u>	MEMORANDUM (Order to follow as separate docket entry) re: <u>60</u> MOTION for Judgment on the Pleadings filed by Pennsylvania Department of Corrections, John Wetzel, Bryan Hyde, <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Wexford Health Sources, Inc., <u>42</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Dr. Donald Kern, <u>28</u> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Robinson, Rashida Mahmud. (See memo for complete details.)Signed by Chief Judge Christopher C. Conner on 1/20/16. (ki) (Entered: 01/20/2016)
01/20/2016	<u>89</u>	ORDER (Memorandum <u>88</u> filed previously as separate docket entry). It is hereby ORDERED that: 1. MTD <u>28</u> by Drs. Mahmud & Robinson & mot for jdgmt on pleadings <u>60</u> by Comm defts GRANTED to extent they seek dismissal of Cts III & IV of Hollihan's complaint & DENIED in all other respects.; 2. MTDs <u>17</u> & <u>42</u> by Wexford & Dr. KERN DENIED.; 3. Cts III & IV of Hollihan's complaint DISMISSED w/out prejudice & Hollihan granted leave to file amended complaint w/in 20 days of date of this order.... (see Para 3 for specifics).; 4. In absence of timely filed amended complaint action shall proceed on remaining claims. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 1/20/16. (ki) (Entered: 01/20/2016)
02/04/2016	<u>90</u>	Joint MOTION to Stay <i>PRETRIAL DEADLINES</i> by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 02/04/2016)
02/08/2016	<u>91</u>	ORDER granting joint motion to stay pretrial deadlines <u>90</u> pending conclusion of settlement negotiations & directing cnsl to submit report advising ct of status of settlement negotiations by 4/8/16 w/ successive status reports every 60 days thereafter. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 2/8/16. (ki) (Entered: 02/08/2016)
04/19/2016	<u>92</u>	STATUS REPORT of 4/8/16 filed by counsel for plaintiff Richard Hollihan. (ki) (Entered: 04/19/2016)
04/19/2016	<u>93</u>	MOTION to Lift Stay re <u>92</u> Status Report, <u>91</u> Order on Motion to Stay, by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 04/19/2016)
04/20/2016	<u>94</u>	ORDER denying Hollihan's motion to partially lift stay <u>93</u> & directing cnsl for all parties to file joint status rpt advising court of status of settlement negotiations by 6/7/16. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 4/20/16. (ki) (Entered: 04/20/2016)
06/07/2016	<u>95</u>	STATUS REPORT ( <i>SECOND SETTLEMENT STATUS REPORT</i> ) by Richard Hollihan. (Schmidt, Thomas) (Entered: 06/07/2016)
08/03/2016	<u>96</u>	MOTION to Withdraw as Attorney ( <i>Motion for Leave to Withdraw Appearance of Eric Wolfish as Counsel for Plaintiff</i> ) by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 08/03/2016)
08/08/2016	<u>97</u>	STATUS REPORT ( <i>Third Settlement Status Report</i> ) by Richard Hollihan. (Schmidt, Thomas) (Entered: 08/08/2016)
08/08/2016	<u>98</u>	ORDER granting pltf's motion to w/draw appearance of Eric Wolfish, Esquire <u>96</u> as cnsl for pltf Richard Hollihan. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 8/8/16. (ki) (Entered: 08/08/2016)
09/07/2016	<u>99</u>	Unopposed MOTION to Withdraw as Attorney ( <i>Eric Rothschild, counsel for Plaintiff</i> ) by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order)(Schmidt, Thomas) (Entered: 09/07/2016)
09/13/2016	<u>100</u>	ORDER granting motion for leave to w/draw <u>99</u> appearance of Atty Eric Rothschild as cnsl for pltf. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 9/13/16. (ki) (Entered: 09/13/2016)

09/29/2016	<u>101</u>	MOTION to Appear Pro Hac Vice – Attorney Jessica A. Rickabaugh is seeking special admission. Filing fee \$ 50, receipt number 0314–3883036. by Richard Hollihan.(Schmidt, Thomas) (Entered: 09/29/2016)
09/29/2016		DOCKET ANNOTATION: Verified Jessica Rickabaugh is active with the PA state bar. (lh) (Entered: 09/29/2016)
09/30/2016	<u>102</u>	SPECIAL ADMISSIONS FORM APPROVED as to Jessica Rickabaugh, Esquire. Motions terminated: <u>101</u> MOTION to Appear Pro Hac Vice – Attorney Jessica A. Rickabaugh.Signed by Chief Judge Christopher C. Conner on 9/30/16. (ki) (Entered: 09/30/2016)
10/07/2016	<u>103</u>	STATUS REPORT ( <i>FOURTH SETTLEMENT STATUS REPORT</i> ) by Richard Hollihan. (Schmidt, Thomas) (Entered: 10/07/2016)
12/06/2016	<u>104</u>	STATUS REPORT ( <i>FIFTH SETTLEMENT STATUS REPORT</i> ) by Richard Hollihan. (Schmidt, Thomas) (Entered: 12/06/2016)
01/17/2017	<u>105</u>	ORDER REFERRING CASE to Magistrate Judge Martin C. Carlson for purposes of Settlement Conference only. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 1/17/17. (ki) (Entered: 01/17/2017)
01/24/2017	<u>106</u>	SCHEDULING ORDER: A Settlement Conference set for 2/7/2017 at 1:00 PM in Harrisburg before Magistrate Judge Martin C. Carlson. Signed by Magistrate Judge Martin C. Carlson on January 24, 2017. (kjn) (Entered: 01/24/2017)
01/24/2017	<u>107</u>	Writ of Habeas Corpus ad Prosequendum Issued as to Richard Hollihan for February 7, 2017 at 1:00 p.m. Signed by Magistrate Judge Carlson on January 24, 2017. (kjn) (Entered: 01/24/2017)
01/24/2017	<u>108</u>	NOTICE of Appearance by Samuel H. Foreman on behalf of Dr. Donald Kern, Rashida Mahmud, John Robinson, Wexford Health Sources, Inc. (Foreman, Samuel) (Entered: 01/24/2017)
01/24/2017	<u>109</u>	NOTICE of Appearance by David J. Rosenberg on behalf of Dr. Donald Kern, Rashida Mahmud, John Robinson, Wexford Health Sources, Inc. (Rosenberg, David) (Entered: 01/24/2017)
02/06/2017	<u>110</u>	STATUS REPORT [ <i>Sixth Settlement Status Report</i> ] by Richard Hollihan. (Schmidt, Thomas) (Entered: 02/06/2017)
02/08/2017	<u>112</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Policy Revision proceedings held on 2/7/2017 before Magistrate Judge Carlson. Court Reporter Wendy Yinger, Telephone number 717–440–1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/1/2017. Redacted Transcript Deadline set for 3/13/2017. Release of Transcript Restriction set for 5/9/2017. (Attachments: # <u>1</u> Exhibit(s)) (ctrep7) (Entered: 02/08/2017)
02/08/2017	<u>113</u>	ORDER DISMISSING CASE – It is hereby ORDERED that this action is dismissed w/out costs & w/out prejudice, upon good cause shown, w/in 120 days, to reinstate action if settlement is not consummated. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 2/8/17. (ki) (Entered: 02/08/2017)
02/10/2017	<u>114</u>	ORDER re: 2/8/17 order <u>113</u> dismissing action – Petitions for atty's fees shall be filed by 3/3/17 w/ failure to file by dd to result in ct deeming issue w/drawn, responses to petitions to be submitted by 3/31/17 & reply briefs may be filed by 4/14/17. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 2/10/17. (ki) (Entered: 02/10/2017)
03/03/2017	<u>115</u>	MOTION for Attorney Fees by Richard Hollihan. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit(s) (Table of Contents of Exhibits), # <u>3</u> Exhibit(s) (1) Schmidt Declaration, # <u>4</u> Exhibit(s) (2) Love Declaration, # <u>5</u> Exhibit(s) (3) Morgan–Kurtz Declaration, # <u>6</u> Exhibit(s) (4) Rudovsky Declaration, # <u>7</u> Certificate of Service)(Schmidt, Thomas) (Entered: 03/03/2017)
03/03/2017	<u>116</u>	BRIEF IN SUPPORT re <u>115</u> MOTION for Attorney Fees filed by Richard Hollihan. (Attachments: # <u>1</u> Unpublished Opinion(s), # <u>2</u> Certificate of Service)(Schmidt,

		Thomas) (Entered: 03/03/2017)
03/10/2017	<u>117</u>	WITHDRAWN (on praecipe <u>120</u> on 3/20/17) – MOTION to Compel Court's January 24, 2017 Order Requiring Plaintiff's Transfer to the State Correctional Institution at Somerset by Richard Hollihan. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Proposed Order)(Schmidt, Thomas) Modified on 3/28/2017 (ki). (Entered: 03/10/2017)
03/10/2017	<u>118</u>	BRIEF IN SUPPORT re <u>117</u> MOTION to Compel <i>Court's January 24, 2017 Order Requiring Plaintiff's Transfer to the State Correctional Institution at Somerset</i> filed by Richard Hollihan.(Schmidt, Thomas) (Entered: 03/10/2017)
03/17/2017	<u>119</u>	Letter from Richard Hollihan re transfer. (Attachments: # <u>1</u> Exhibit) (dmn) (Entered: 03/17/2017)
03/17/2017	<u>120</u>	PRAECIPE to Withdraw <u>117</u> MOTION to Compel <i>Court's January 24, 2017 Order Requiring Plaintiff's Transfer to the State Correctional Institution at Somerset</i> by Richard Hollihan.(Schmidt, Thomas) (Entered: 03/17/2017)
03/28/2017	<u>121</u>	MOTION for Extension of Time to File a Response to the Petition for Attorneys' Fees and Costs by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Proposed Order)(Davis, Jessica) (Entered: 03/28/2017)
03/30/2017	<u>122</u>	ORDER granting Commonwealth depts' motion for ext of time <u>121</u> to file response to petition for attys' fees & costs until 4/21/17. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 3/30/17. (ki) (Entered: 03/30/2017)
04/19/2017	<u>123</u>	NOTICE of Appearance by Caleb Curtis Enerson on behalf of Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel (Enerson, Caleb) (Entered: 04/19/2017)
04/20/2017	<u>124</u>	BRIEF IN OPPOSITION re <u>115</u> MOTION for Attorney Fees filed by Bryan Hyde, Pennsylvania Department of Corrections, John Wetzel. (Attachments: # <u>1</u> Unpublished Opinion(s))(Enerson, Caleb) (Entered: 04/20/2017)
05/04/2017	<u>125</u>	REPLY BRIEF re <u>115</u> MOTION for Attorney Fees / <i>Plaintiffs' Reply in Support of the Petition for Attorneys' Fees and Cost.</i> filed by Richard Hollihan. (Attachments: # <u>1</u> Exhibit(s) A–B, # <u>2</u> Unpublished Opinion(s), # <u>3</u> Certificate of Service)(Rickabaugh, Jessica) (Entered: 05/04/2017)
06/16/2017	<u>126</u>	STIPULATION of <i>Dismissal of Fewer than All Defendants</i> by Dr. Donald Kern, Rashida Mahmud, John Robinson, Wexford Health Sources, Inc.. (Foreman, Samuel) (Entered: 06/16/2017)
01/18/2018	<u>127</u>	SCHEDULING ORDER setting Hearing on motion <u>115</u> for attys' fees & costs for 2/26/2018 @ 10:00 AM in Harrisburg – Courtroom 1 w/ ct to accept testimony from 3rd–party attys & evid as to what relevant community is & directing cnsl to exchange @ least 5 days prior to hearing any docs not of record that cnsl plan to intro into evidence. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 1/18/18. (ki) (Entered: 01/18/2018)
02/08/2018	<u>128</u>	ORDER REFERRING CASE for Purposes of Settlement Only to Magistrate Judge Martin C. Carlson. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 2/8/18. (ki) (Entered: 02/08/2018)
02/09/2018		Set Hearings: Settlement Conference set for 2/15/2018 at 1:00 PM in Harrisburg before Magistrate Judge Martin C. Carlson. (kjn) (Entered: 02/09/2018)
02/15/2018	<u>129</u>	SCHEDULING ORDER: Settlement Conference set for 2/23/2018 at 1:00 PM in Harrisburg before Magistrate Judge Martin C. Carlson. See Order for complete details.Signed by Magistrate Judge Martin C. Carlson on 2/15/2018. (ktt) (Entered: 02/15/2018)
02/22/2018	<u>130</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Thomas B. Schmidt, III on behalf of Richard Hollihan Attorney Janine Yaniak is seeking special admission. Filing fee \$ 50, receipt number 0314–4346414.. (Schmidt, Thomas) (Entered: 02/22/2018)
02/26/2018	<u>132</u>	SPECIAL ADMISSIONS FORM APPROVED as to Janine P. Yaniak, Esquire.Signed by Chief Judge Christopher C. Conner on 2/23/18. (ki) (Entered: 02/26/2018)

02/26/2018	<u>133</u>	ORDER dismissing motion for attys' fees & costs <u>115</u> as MOOT & CANCELLING hearing set for today. (See order for complete details.)Signed by Chief Judge Christopher C. Conner on 2/26/18. (ki) (Entered: 02/26/2018)
03/30/2018	<u>134</u>	Letter to Court from Plaintiff re case. (aaa) (Entered: 03/30/2018)
04/05/2018	<u>135</u>	ORDER re: correspondence <u>134</u> from Robert Santillo – It is hereby ORDERED that: 1. Clrk of Ct directed to fwd copy of Santillo's correspondence to cnsl for both parties...; 2. Clrk of Ct directed to fwd copy of this order to Santillo. (See order for complete details.) Signed by Chief Judge Christopher C. Conner on 4/5/18. (ki) (Entered: 04/05/2018)
04/05/2018		DOCKET ANNOTATION: Doc <u>135</u> deleted & re-docketed, due to docketing error. (ki) (Entered: 04/05/2018)